"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/ तक. 114-009/2003/20-1-03."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 2] रायपुर, गुरुवार, दिनांक 4 जनवरी 2007—पौष 14, शक 1928

HIGH COURT OF CHHATTISGARH BILASPUR

Bilaspur, the 28th December, 2006

NOTIFICATION

No. 31840/R. G./2006/ Draft High Court Rules, 2007 .— The draft rules framed in relation to practice and procedure in the High Court of Chhattisgarh called the High Court of Chhattisgarh Rules, 2007 is hereby published inviting objections and suggestions from any person, which may be preferred before the Registrar General of the High Court of Chhattisgarh within 30 days from the date of publication of this notification in the Official Gazette of Chhattisgarh.

These objections and suggestions, if any, shall be placed before the Hon'ble Court for further consideration.

DRAFT RULES

THE HIGH COURT OF CHHATTISGARH RULES, 2007

In exercise of the powers conferred under Articles 225 & 227 of the Constitution of India, Section 25 of the Madhya Pradesh Reorganization Act, 2000 (Act No.XXVIII of 2000), and all other powers enabling it in this behalf, and in supersession of The High Court of Chhattisgarh Rules, 2005, the High Court of Chhattisgarh, hereby makes the following rules in relation to the practice and procedure in the High Court of Chhattisgarh:

CHAPTER–I

GENERAL

1. (1) These rules may be called as "The High Court of Chhattisgarh Rules, 2007".

(2) These rules shall come into force on such date as the Chief Justice may, by notification in the Official Gazette, appoint:

Provided, however, different dates may be appointed for different rules.

2. (1) In these rules, unless the context otherwise requires --

(a) '*Advocate*' means a person whose name is entered on the roll of Advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961); and includes a Senior Advocate.

(b) '*Appointed day*' means the date on which these rules shall come into force;

(c) '*Chief Justice*' means the Chief Justice of the High Court of Chhattisgarh and includes a Judge appointed under Article 223 of

the Constitution of India to perform the duties of the Chief Justice.

(d) '*Code*' means the Code of Civil Procedure, 1908 (V of 1908), as amended from time to time.

(e) '*Constitution*' means the Constitution of India.

(f) '*Court*' and '*this Court*' means the High Court of Chhattisgarh.

(g) '*Court appealed from*' includes a Tribunal or any other judicial body from which an appeal is preferred to this Court.

(h) '*Judge*' means a Judge of the High Court of Chhattisgarh.

(i) '*Judgment*' includes decree, order, sentence, or determination by any Court, Tribunal, or any other Authority having jurisdiction to decide the matter.

(j) '*Judicial Officer*' means an Officer belonging to the Judicial Service of the State.

(k) '*Larger Bench*' means a Bench of two or more Judges, as the case may be.

(l) '*Prescribed*' means prescribed by or under these Rules.

(m) '*Presentations*' includes petitions, memo of appeals, applications and affidavits etc., filed at the Filing Counter of the Court.

(n) '*Registrar*' means the Registrar General of the High Court and includes the Additional Registrar, the Deputy Registrar, or any other Officer with respect to such functions and duties of the Registrar as assigned by the Chief Justice.

Explanation: The above definition shall also be applicable to any reference to a Registrar carrying a specific designation / classification.

(o) '*Registry*' means the Registry of the High Court of Chhattisgarh.

(p) '*Respondent*' includes an intervener.

(q) '*The Rules*' and '*Rules of Court*' means these Rules and include the forms prescribed by or appended to these Rules.

(r) '*Senior Advocate*' means an Advocate so designated under sub-section (2) of Section 16 of the Advocates Act, 1961 (25 of 1961).

(s) '*Standing Committee*' means the Committee constituted under these rules.

(t) '*State*' means the State of Chhattisgarh.

(2) Terms, words, or expressions not defined herein shall have the meaning assigned to them in Acts or Rules from which they draw their origin.

3. The General Clauses Act, 1897, (10 of 1897) and the Chhattisgarh General Clauses Act, 1957 shall apply for the interpretation of these Rules.

4. Unless otherwise expressly provided in these rules, the provisions contained in the Madhya Pradesh High Court Rules and Orders shall apply.

CHAPTER – II

OFFICERS OF THE REGISTRY AND THEIR FUNCTIONS

5. The following Officers shall constitute the Registry of the Court :-

(1) Registrar General.
(2) Registrar (Vigilance).
(3) Registrar (Inspection and Enquiry).
(4) Registrar (Judicial).
(5) Registrar (OSD) Rules.
(6) Registrar (Administration).
(7) Principal Private Secretary to Hon'ble the Chief Justice.
(8) Registrar (Classification).
(9) Registrar (Establishment).
(10) Additional Registrar (Districts Establishment).
(11) Additional Registrars.
(12) Deputy Registrars.
(13) Assistant Registrars.
(14) Private Secretaries.

6. The Chief Justice may decide, from time to time, the composition of the Registry, the duties to be performed and the functions to be discharged by any Officer of the Court and the designation of the officials, and may amend any provision of this Chapter.

7. Appointment of Judicial Officers in the Registry of the Court shall be at the pleasure of the Chief Justice.

8. **Registrar General: -** The Registrar General shall be the Head of the Registry.

9. **Registrar (Judicial):-** The following powers shall ordinarily be exercised by the Registrar (Judicial)/Additional Registrar (Judicial):-

(1) (i) To determine sufficiency of service of notice or other process;

(ii) To dispose of applications for correction of Presentations as regards the description of parties as majors or minors;

(iii) To dispose of applications to appoint or discharge a next friend or guardian ad - litem of a minor or a person of unsound mind, to amend the record accordingly and to direct the deposit and furnish accounts of funds for the conduct of the proceedings;

(iv) To call for a further deposit under Order XLV Rule 10 of Code of Civil Procedure, when the deposit already made by the appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record;

(v) To order payment of the interest accruing to Government Promissory Notes deposited under Order XLV Rule 7 of Code of Civil Procedure, and to order the refund of any unexpected balance under Order XLV Rule 12 of Code of Civil Procedure or for any other enactment for the time being in force;

(vi) To determine in which newspaper the publication referred to in Order XLV Rule 9A of Code of Civil Procedure shall be made;

(vii) To make reference to the Court for renewal of bank guarantees, FDRs, and other deposits/securities made under the orders of the Court, a month before the date of its/their expiration;

(viii) To require Presentations to be amended in accordance with the procedure of the Court;

(ix) To require any person and party to file an affidavit with respect to any application or matter in respect of which the Registrar has power to exercise any discretion or to make any order;

(x) To stop at his discretion issue of certified copy to any person who has failed to pay the process fee, or charges, or has failed to take any other steps, which the Court has ordered while

granting interim relief or stay or any other order of similar nature, which substantially affects the rights of the opposite parties;

(xi) To call for records and documents from Subordinate Courts and any other authority;

(xii) To dispose of requisitions by Subordinate Courts for records and documents;

(xiii) To dispose of applications for copies of pending records or parts thereof;

(xiv) To dispose of application and grant leave to search/ inspect the record of the Court under the Rules in that behalf;

(xv) To dispose of application for delivery of interrogatories;

(xvi) To dispose of application for substituted service, or for dispensing with service of notice of the appeal on any of the respondents;

(xvii) To dispose of application for leave to take documents out of the custody of the Court;

(xviii) To decide questions arising in connection with the payment of Court fee;

(xix) To dispose of applications by third parties for return of documents;

(xx) To dispose of applications for grant of copies of records to third parties;

(xxi) To dispose of applications for the issue of a certificate regarding any excess Court fee paid under a mistake;

(xxii) To dispose of applications for approval of a translator or interpreter;

(xxiii) To dispose of applications for production of documents outside Court premises;

(xxiv) To dispose of applications for exemption from filing of certified copies and judgments, decrees, certificates or orders granting certificates;

(xxv) To reconstitute the record in case the record is not traceable;

(xxvi) To pass orders in all matters in writ, civil and criminal cases pertaining to default as process fee, publication charges, paper submission of service report on affidavit in case of Dasti service, non-compliance of Registrar's orders in respect of Office matters;

(xxvii) To pass orders in default of identical copies, security amount and non-compliance of Court's orders;

(xxviii) To pass orders on non-appearance of accused persons on bail;

(xxix) To dispose of the application for condonation of delay up to seven days in filing of process fee:

Provided that the Registrar may refer any matter under this rule to the Court for orders.

(2) The Registrar (Judicial) may refuse to receive a Presentation or any other pleadings on the ground that it discloses no reasonable cause or is frivolous or contains scandalous matters, but the petitioner may appeal, by way of motion, from such refusal to the Court.

(3) TAXING OFFICER (nominated by the Chief Justice under Section 5 of the Court Fees Act, 1870): -

(i) Whenever the Taxing Officer finds that any document filed in this Court is insufficiently stamped, he shall record his opinion with reasons therefor. The report shall be shown to the Counsel concerned who will note thereon whether he accepts, or disputes the accuracy thereof. If he raises a dispute, the Taxing Officer shall decide the dispute and the party aggrieved with the decision may request him to place the matter before the Court.

(ii) Whenever the Taxing Officer finds that a document which ought to bear a stamp under the Court Fees Act has by mistake or inadvertence been received in a lower Court without being properly stamped, he shall prepare a reasoned report to that effect and in case the correctness of the report is disputed, the same shall be laid before the appropriate Bench for orders.

(iii) Whenever the Court fees payable on any document in respect of which the question of limitation arises is found deficit, the Taxing Officer shall pass an order either certifying the under stamping to be bonafide or may place the matter before the Bench. If the deficit fees are paid before the limitation expires, the document will be treated as properly stamped. If the deficit Court fees are not paid before the expiry of limitation the case will be placed before the Court. The hearing will not be less than 20 days after the date of Taxing Officer's order. If within that time the party files an application under Section 149 of the Code of Civil Procedure, the Court shall, in case when the Taxing Officer

certifies the under stamping to be bonafide, ordinarily extend the time.

(iv) Whenever a case is placed before the Court in accordance with the above clause, a statement in the following form shall be endorsed on the order sheet.

(a) Court fees paid Rs.____________.

(b) Court fees payable Rs.____________.

(c) Difference of Court fees of Rs.__________.

(d) Time expired ____________.

(e) The Taxing Officer:

(i) certifies the deficiency as bonafide ______

(ii) certifies the deficiency as not bonafide ___

(iii) was unable to arrive at a definite conclusion ________

(f) Application under Section 149 of Code of Civil Procedure filed within ______days from Taxing Officer's certificate.

(4) The Registrar (Judicial) may permit correction of clerical errors in the Presentations produced in any civil proceedings or in any other proceedings in the Court. Such correction shall be made in the case of affidavits by the declarant by filing a fresh affidavit and in other cases by the person making the Presentation or his Advocate.

(5) Every correction in any Presentation shall be initialed by the party making the correction and by a Judge or the Registrar (Judicial).

10. **Registrar (OSD) Rules:-** The Registrar (OSD) Rules shall be over all in-charge of framing, recasting, or amendment of rules of High Court and Subordinate

Courts and shall also perform such other duties or discharge such other function as the Chief Justice may assign to him.

11. **Registrar (Vigilance):-** The Registrar (Vigilance) shall investigate into all complaints and allegations against Judicial Officers and the staff of the Subordinate Judiciary and shall deal with the intimation regarding acquisition/disposal of movable and immovable properties by Judicial Officers.

12. **Registrar (Inspection and Enquiry):-** The Registrar (Inspection and Enquiry) shall inspect all Subordinate Courts and shall be in-charge of all disciplinary proceedings and enquiry against all Judicial Officers, all litigations concerning the Subordinate Courts and the High Court and all appeals, representations and petitions in disciplinary matters.

13. **Registrar (Classification):-** The Registrar (Classification) shall be over all in-charge of classification and categorization of all judicial matters.

14. **Registrar (Administration):-** The Registrar (Administration) shall have powers:

(1) To sanction payment of temporary advance (including tour advances) and bills in respect of purchase of movables including articles for use of Court/Registry up to Rs.2000/-.

(2) To sanction tour advances to himself and/or the staff working under him up to Rs.2000/-

(3) To pass medical reimbursement bills and T.A. bills of the Registry up to Rs.2000/-.

(4) To sanction repairs and purchase of accessories to staff cars up to Rs.2000/-.

(5) To look after matters relating to Work Section and Protocol.

(6) To supervise major/minor works relating to residential quarters, new Court building, repair/maintenance of High Court building, garden etc..

(7) To purchase furniture including almirahs, coolers, electrical appliances, purchase of liveries, typewriters, additional/extra telephones/cell phones, motor vehicles, air conditioners, computers, peripherals and like accessories etc.

(8) To allot residential quarters to establishment-Class-II, III & IV staff.

(9) To look after the library, binding section, correspondence of various sections and to purchase law books, journals including purchase of binding materials up to Rs.2,000/-.

(10) To annually verify the dead stock, and

(11) Any other work that may be assigned to him by the Chief Justice, other Judges and/or Registrar General.

15. **Registrar (Establishment):-** The Registrar (Establishment) shall have powers:

(1) To record the Confidential Reports of Class-II, III & IV staff attached to the Chief Justice and other Judges which shall be submitted to the Registrar General.

(2) To make proposals of Budget and Accounts Section.

(3) To appoint, transfer, punish and grant retiral benefits to all contingent employees.

(4) To work out GPF and DPF of Registry Officers, Judicial Officers, Class-I & II staff of the High Court and Subordinate Courts or that of any other staff, as directed.

(5) To generally look after the matters relating to Establishment Section of the High Court including such work as may be entrusted to him by the Chief Justice, other Judges and/or the Registrar General in establishment/judicial side.

16. **Additional Registrar (Districts Establishment):-** The Additional Registrar (Districts Establishment) shall have powers in regard to the following matters:

(1) Reports about disposal by Judges and Magistrates (other than Executive Magistrate).

(2) Promotion, confirmation, transfer etc. of Deputy Clerk of Courts and Clerk of Courts.

(3) Inter Districts transfer of Class-III and Class-IV staff of the Subordinate Courts.

(4) Permission, if necessary, or filling up vacant posts of District Establishment.

(5) Grant of leave and making local arrangement for the post of Deputy Clerks of Court and Clerk of Court in long-term vacancies for a period exceeding two months.

(6) Sanctioning appointments for a term not exceeding six months of unqualified persons as Sale Amin.

(7) Creation of Class-III and Class-IV posts including contingency paid posts of Subordinate Courts and their continuance.

(8) Appointment of Oath Commissioners and renewal of their certificates

and complaints against them.

(9) Copying Section of Subordinate Courts theft or loss of records of Subordinate Courts and of High Court.

(10) Continuance of temporary posts and conversion of temporary posts into permanent posts of Class-II and Class-IV staff of Subordinate Court.

(11) Quarterly/half yearly statement in respect of Scheduled Castes and Tribes employees.

(12) Complaints against Oath Commissioner.

(13) All other matters relating to the District Establishment.

17. **Additional Registrar/Deputy Registrar:-** The Additional Registrar/ Deputy Registrar shall perform such duties and discharge such functions as the Registrar General, with the approval of the Chief Justice, may assign to them.

CHAPTER – III

COURT HOURS AND OFFICES OF THE COURT

A: COURT HOURS:

18. The Court shall open daily, except on holidays/vacation, for the transaction of judicial business. The Judges shall sit in Court between the hours of 10.30 A.M. to 4.30 P.M. with a recess between 1.30 P.M. to 2.30 P.M.

B: OFFICES OF THE COURT; SITTINGS AND VACATION ETC.

19. Except closed Saturdays and holidays, the Offices of the Court shall, subject to any order of the Chief Justice, remain open daily from 10.00 AM to 5.00 PM.

20. Except on the days which are holidays, both for the Court and the Offices of the Court, the Offices shall remain open during Summer Vacation, Puja, Christmas and New Year Holidays of the Court at such time as the Chief Justice may direct.

21. The Chief Justice may, during any vacation, appoint one or more Judge(s) as Vacation Judge(s) to hear matters of urgent nature. The Vacation Judge(s) may hold Court either in Single Bench or in Division Bench as the situation may warrant during the Vacation.

CHAPTER-IV

CONSTITUTION AND POWERS OF BENCHES

A: CIVIL MATTERS

SINGLE BENCH

22. The following matters shall ordinarily be heard and disposed of by a Judge sitting alone.

(1) An appeal from an appellate decree of a District Court.

(2) An appeal of a civil nature under any Act of the Central or State Legislature or First Appeals under the Code of Civil Procedure, the value of which does not exceed the sum of Rs.3,00,000/- (Rs. Three Lacs Only) and any application or reference made under such Acts, unless otherwise expressly provided for under such Acts.

Explanation.—The value of a cross objection filed in any such appeal shall not be included in the value of the appeal. However, if the value of the cross objection exceeds Rs.3,00,000/- (Rs. Three Lacs Only) the appeal as well as the cross objection shall both be heard by a Division Bench.

(3) An appeal from an appealable order under the Code of Civil Procedure or under any other enactment unless otherwise provided in the said enactment.

(4) An appeal under Section 173 of the Motor Vehicles Act, 1988, the value of which does not exceed Rs.3,00,000/- (Rs. Three Lacs Only).

Explanation.--- The value of a cross objection filed in any such appeal shall not be included in the value of the appeal. However, if the value of the cross objection exceeds Rs.3,00,000/- (Rs. Three Lacs Only) the

appeal as well as the cross objection shall both be heard by a Division Bench.

(5) An appeal under Section 47 of the Guardian and Wards Act, 1890.

(6) An appeal relating to costs only.

(7) An application under Section 22, 23 or 24 of the Code of Civil Procedure.

(8) Any application under the provisions of Code of Civil Procedure or any other enactment for the time being in force made in an appeal, revision or any other proceedings in a matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for.

(9) An application for revision under the Code of Civil Procedure or under any Central or State Act, unless otherwise expressly provided in the said Central or State Act.

(10) A suit coming before the Court in the exercise of its extraordinary original civil jurisdiction.

(11) A proceeding of a civil nature under an Act of the Central or State Legislature, coming before the Court in the exercise of its original jurisdiction.

(12) An Election Petition under the Representation of the People Act, 1951.

(13) Company matters, Probate and Letters of Administration matters of original jurisdiction (on nomination by the Chief Justice).

(14) All writ petitions under Article 226/227 of the Constitution of India except those falling within the jurisdiction of a Division Bench.

(15) All Taxation matters unless otherwise provided in the Central or State Act, from which the proceedings are arising.

DIVISION BENCH

23. The following matters shall be heard by a Division Bench.

(1) Writ Petitions :

(i) Relating to Public Interest Litigation.

(ii) Where vires or validity of an Act of Legislature or any Subordinate Legislation is under challenge.

(iii) Against the orders of Tribunal constituted under Articles 323A and 323B of the Constitution of India.

(iv) Relating to Contract/Tender concerning Government / Public Undertaking / Local Bodies / Statutory Bodies.

(v) Relating to admission in medical / technical colleges.

(vi) Relating to Excise Contract.

(2) Other Matters:

(i) Tax references and appeals under statutes required to be heard by a Division Bench and application for references in such cases.

(ii) Reference under Section 113 / Order XLVI of the Code of Civil Procedure, 1908.

(iii) Appeal under Section 22(A) / reference under Section 21(5) of the Chartered Accountants Act, 1949.

(iv) Appeal under Section 19 of the Family Courts Act, 1984.

(v) Revision under Section 19 of the Chhattisgarh Madhyastham Adhikaran Adhiniyam, 1983.

(vi) All matters which, by any law or any judgment having force of law are required to be heard by a Division Bench.

(vii) Appeals valued above Rs.3 lacs.

B: CRIMINAL MATTERS

SINGLE BENCH

24. The following matters shall be heard by a Single Judge.

(1) Applications for grant of bail under Sections 438 or 439 of the Code of Criminal Procedure and applications under Section 482 of the Code of Criminal Procedure.

(2) Applications for transfer of Criminal Cases.

(3) Applications for cancellation of bail.

(4) Criminal Revisions except those which are to be heard by a Division Bench.

(5) Criminal Appeals against substantive sentence of not more than 10 years.

(6) A case coming before the Court in the exercise of its ordinary or extraordinary original criminal jurisdiction except the cases under Section 15 of the Contempt of Courts Act, 1971.

(7) Appeal, application, or reference under the Code of Criminal Procedure, other than the cases falling within the jurisdiction of a Division Bench.

DIVISION BENCH

25. The following matters shall be heard and disposed of by a Division Bench.

(1) An appeal or reference in a case in which a sentence of death or

imprisonment of life or a sentence of more than 10 years has been passed.

(2) An application for leave filed under sub-section (3) of Section 378 of the Code of Criminal Procedure in respect of offences punishable with sentence of death or imprisonment for life or in cases where the maximum sentence provided is of more than 10 years and are triable by the Court of Sessions.

(3) An appeal by the State Government under Section 378 of the Code of Criminal Procedure, from an order of acquittal in Sessions Trial in respect of offences punishable with sentence of death or imprisonment for life or where the maximum sentence is more than 10 years.

(4) A revision filed by a private party under Section 397 of the Code of Criminal Procedure or suo motu revision entertained under Section 401 of the Code of Criminal Procedure against acquittal in respect of offences punishable with sentence of death or imprisonment for life or imprisonment for more than 10 years and triable by the Court of Sessions.

(5) A proceeding in which notice has been issued to an accused who has been sentenced to imprisonment for a term of five years or more, to show cause why the sentence should not be enhanced.

(6) A proceeding in which notice is issued to a convicted person requiring him to show cause why his conviction should not be altered to one of an offence punishable only with death or imprisonment for life.

(7) An appeal under Section 377 of the Code of Criminal Procedure with regard to an accused who has been sentenced to undergo imprisonment

for a period of 5 years or more.

(8) Appeals from conviction of offences punishable with imprisonment for life.

(9) A petition for a writ in the nature of Habeas Corpus.

(10) Cases under the Contempt of Courts Act, 1971, where a case for criminal contempt is made out.

(11) Any proceeding coming before the Court in the exercise of its ordinary and extraordinary original criminal jurisdiction.

C: FULL BENCH

26. A Full Bench shall ordinarily be constituted of three Judges but may be constituted of more than three Judges in pursuance of an order in writing by the Chief Justice.

27. The Chief Justice shall nominate the Judges constituting a Full Bench.

28. The following matters shall be heard by a Full Bench.

(1) References under Section 57 & 60 of the Indian Stamp Act, 1899.

(2) Matters which are required by a Statute to be heard and decided by a Full Bench.

(3) Such other matters as may be referred to the Full Bench.

29. Notwithstanding anything to the contrary the Chief Justice may direct that any application, petition, suit, appeal, or reference shall be heard by a Full Bench.

D: REFERENCE TO A LARGER BENCH

30. A Larger Bench shall be constituted of two or more Judges in pursuance of an order in writing by the Chief Justice.

31. The Chief Justice shall nominate the Judges constituting the Larger Bench which shall hear the matter referred by the Chief Justice.

32. (1) A Judge sitting alone may refer any proceeding pending before him to the Chief Justice with a recommendation that it be placed before a Bench of two Judges when it involves a question of law of public importance.

(2) A Judge sitting alone shall refer any proceeding pending before him to the Chief Justice with a recommendation that it be placed before a Bench of two Judges, if:-

(i) it involves a substantial question of law as to the interpretation of the Constitution or any statutory enactment;

OR

(ii) it is considered that the decision in the proceeding involves reconsideration of a decision of a Judge sitting alone.

(3) In proceeding of the nature referred to in sub-rule (1) of this rule the referring Judge may refer a stated question or questions or may recommend that the proceedings be heard and decided by the Bench to which it is referred.

(4) In cases of the nature referred to in clause (i) of sub-rule (2) of this rule the proceeding shall be heard and decided by the Bench to which it is referred.

(5) In proceedings of the nature referred to in clause (ii) of sub-rule (2) of this rule the referring judge shall refer a stated question or questions and shall dispose of the proceedings in accordance with the decision of the Bench on the question or questions referred to it.

33. If a Judge sitting alone considers that the decision of the proceeding pending before him involves reconsideration of a decision of two or more Judges, he may refer it to the Chief Justice with a recommendation that it be placed

before an appropriate Bench for a decision on a stated question(s). The referring Judge shall dispose of the proceedings in accordance with the decision of the Bench on the question(s) referred to it.

34. When in any matter the Judges comprising the Division Bench differ on a point of law and state the point on which they differ, the proceedings shall be placed before the Chief Justice for the purpose of nominating one or more of the other Judges to deal with the matter.

35. If a Bench of two Judges considers that the decision of the proceeding pending before them involves reconsideration of a decision of two or more Judges, they may refer the matter to the Chief Justice with a recommendation that it be placed before a Full Bench. The referring Judges may refer a stated question(s) or may recommend that the proceeding be heard and decided by the Bench in which it is referred. If the referring Judges refer a stated question(s), they shall dispose of the proceeding in accordance with the decision of the Full Bench on the question(s) referred to it.

E: GENERAL

36. When in an appeal in any civil matter heard by a Bench of two Judges, a difference of opinion arises between them on a point of law, and if either of the Judges desire that the appeal be referred, it shall be referred to, heard and disposed of by such Judge(s) as the Chief Justice may nominate. The appeal shall be heard afresh by the Judge(s) to whom it is so referred either sitting apart from or with the referring Bench as the Chief Justice directs.

37. Save as provided by law or by these rules or by an order of the Chief Justice, every other case shall be heard by a Single Bench.

38. Subject to the jurisdiction of the Bench(es), the Chief Justice may direct which

case or class of cases shall be placed before each Bench.

39. **Part heard matter:** A matter shall be treated part heard only if it has been specifically so ordered by the Bench, and it shall be listed before the same Bench. In case the matter is not disposed of within three months from the date of marking as part heard, the same shall be deemed to have been released from part heard and be placed before the Chief Justice for further orders.

40. An application for modification, clarification, review or restoration of an order, or a subsequent bail application under Section 438/439 of the Code of Criminal Procedure, shall be listed before the same Coram:

Provided that if the same Coram is not available on account of retirement or for any other reason for a period of three months and:-

(1) if the matter relates to a Larger Bench then the same shall be listed before an equivalent Larger Bench of which one of the Members was a Member of the earlier Bench;

(2) if none of the Members of the earlier Bench is available then the application shall be listed before an equivalent regular Bench;

(3) in case of a Single Bench, except subsequent bail applications, the matter shall be listed before a regular Division Bench;

(4) in case of a Single Bench where the matter relates to a subsequent bail application under Section 438/439 of the Code of Criminal Procedure, the same shall be listed before the regular Single Bench.

41. **Powers of Vacation Judge:** - A Vacation Judge shall also be entitled to take up the urgent matters of a Division Bench for the purpose of interim relief where circumstances require urgent hearing in the interest of justice.

F: BUSINESS RELATING TO SUPREME COURT

42. The business relating to the Supreme Court shall be laid before the Bench presided over by the Chief Justice unless otherwise directed.

CHAPTER-V

WRIT PETITIONS, HABEAS CORPUS AND PUBLIC INTEREST LITIGATIONS (PIL)

A: WRIT PETITIONS

43. An application for writ, order or direction under Article 226/227 of the Constitution shall be moved in the format prescribed, in three sets duly supported by an affidavit by the petitioner or by one of the petitioner or by some other person, proved to the satisfaction of the Court to be acquainted with the facts of the case, as specified in sub-rule (1) of Rule 15 of Order VI of the Code. It shall also state whether an application on the same cause of action had been previously filed before this Court, and if so, the result thereof.

44. (1) Every writ petition under Article 226/227 of the Constitution of India shall, on the first page contain the index and immediately thereafter the petitioner shall provide a synopsis indicating dates and events in chronological order, the relevant provisions of law and the authorities/judgments relied upon.

(2) The petitioner shall mention the grounds specifically and each ground should be distinctly stated.

(3) Any petition not found to be in the prescribed format, including omission to state grounds distinctly as provided in the format, shall be summarily dismissed.

45. The averments made in the application shall generally be supported by proof, or evidence(s), enclosed as Annexure(s) to the writ petition.

46. Where any interim relief/order such as stay, injunction, etc., is sought, such prayer shall be made by a separate application.

47. (1) If any writ, order or direction is sought against the Union of India, a State Government, a Public Officer or Authority, as is covered by Article 12 of the Constitution, notice of the application with all annexure(s) shall be served, before filing, on the Assistant Solicitor General/Advocate General/Standing Counsel, as the case may be.

(2) The Court shall not consider a prayer for any interim relief or stay if the mandatory requirement of Sub-rule (1) above is not complied with :

Provided however, that in emergent cases where the Court is satisfied that the purpose of filing of the petition may be frustrated or that the matter does not warrant any delay or that there are sufficient grounds, for reasons to be recorded, to grant interim relief, the Court, on such terms as it thinks fit, may dispense with the requirement of such advance notice under this rule on a Counsel who is not available/traceable.

(3) Even if a notice of the writ application is accepted in the Court or prior to filing, a formal and regular notice shall be issued to the opposite parties through the Registry of the Court.

48. The Court may either summarily dismiss the petition or order a *rule nisi* to be issued against the opposite party as it thinks fit. Any rule so issued shall be made returnable on such date as the Court may direct, but it shall ordinarily not be made returnable within less than fourteen days after service thereof on the opposite party.

49. The petitioner shall deposit the necessary process fees within three days of the order directing notice, or such time as the Court may order, along with as

many copies of the petition together with annexures and affidavit as there are opposite parties.

50. Notice shall be served on all opposite parties and on such other persons as the Court may direct:

Provided that any person who desires, and appears to the Court to be a proper person, to be heard in opposition to the petition, may be heard, notwithstanding that he has not been served with the notice and shall be liable to costs in the discretion of the Court.

51. If at the hearing of the petition the Court is of opinion that any person who ought to have been served with notice of the petition has not been served, the Court may order that notice may also be served on such person and adjourn the hearing upon such terms, if any, as the Court may direct.

52. An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

53. No further return, affidavit or document shall be filed by any party except with the leave of the Court.

54. If the Court at any time finds that the facts furnished are insufficient or further and better particulars of any matter should be furnished, the Court may, of its own motion or on the application of any party, order any party to furnish such facts or particulars supported by an affidavit. If the petitioner or any other party fails to furnish the facts or particulars as ordered, the Court may either dismiss the petition or make such order in relation to the case as it thinks fit.

55. (1) All questions of fact arising for determination under this Part shall be decided ordinarily upon affidavits but the Court may direct that such other evidence be taken as it may deem fit.

(2) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court or Tribunal or a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed in the Code of Civil Procedure, 1908 for the trial of suits.

56. Where any party against whom an interim order of any kind has been made files an application to the High Court for vacating the same, that application shall be listed immediately before the appropriate Bench for orders.

57. (1) No record of a case or proceeding in possession of any Court or public servant, relevant to the disposal of an application, shall be sent for, unless ordered by the Court either of its own motion or upon an application made by any of the parties to the petition.

(2) Every application made under Sub-rule (1) of this Rule shall, unless the Court otherwise directs, be supported by an affidavit showing how the record is material, and that the applicant cannot, without unreasonable delay or expense, obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires or that the production of the original is necessary.

58. (1) In all cases where the pleadings are complete and the case is to be listed for final disposal, the Court may require the petitioner or the respondent, as the case may be, to submit a complete paper book, or paper books of their respective pleadings:

Provided that if additional pleadings are filed during the course of hearing, the parties shall be required to submit an index giving serial page numbers in continuation of the pages mentioned in the original table of contents of the paper book, as the case may be.

(2) Pleading(s)/paper book(s) related to writ petition(s) listed for final disposal shall be arranged in two separate files namely File 'A' and File 'B'

(3) File 'A' should be arranged in the following manner:

Part-I

(i) This part shall consist of the writ petition with annexure(s) and if the writ petition has been amended in between, the amended writ petition should be placed on top and the annexure(s) with the amended petition, if any, shall be placed just below the original annexure(s) in continuation.

(ii) The rejoinder together with annexure(s) in continuation to the annexure(s) of the writ petition shall be placed just below the writ petition or the amended writ petition, as the case may be.

(iii) The return together with annexure(s) and the amended/ additional return, if any, together with annexure(s) shall be arranged in the like manner.

Part-II

This part shall consist of the application(s) for grant of interim relief and the application(s) for vacating stay, if any, and other interlocutory application(s).

(4) All other papers shall be part of File 'B'.

59. The Court may in such proceedings impose such terms as to costs as it thinks fit.

60. Any party to a proceeding under Article 226/227 of the Constitution of India desiring to obtain execution of the order relating to costs awarded in such proceedings shall apply to the Court by a stamped petition.

61. The Court thereupon shall direct the party against whom the costs are awarded to deposit the amount in Court within such time as it deems fit, and upon his failure to deposit the amount within the prescribed period the Court shall order issue of a certificate for the recovery of costs and may also include the costs of the proceedings before it.

62. The certificate shall be issued under the signature of the Deputy Registrar and the seal of the Court and shall be executable as decree of a civil Court. All other writ, order, direction may be executable in the manner as may be directed by the Court.

63. The certificate shall be executable by the District Judge of the Civil District in which the party from whom the costs are to be recovered actually resides or carries on business or works for gain or has some property.

64. The Court to which the certificate is issued shall execute it as a decree received on transfer for execution from another Court.

65. The form of the certificate shall be as prescribed in these rules.

B: HABEAS CORPUS

66. (1) Any person desiring to apply to the High Court under Article 226 of the Constitution of India for issuance of any writ, order, command or direction in the nature of *Habeas Corpus* shall file his application, as far as possible, in the format prescribed for filing writ petitions.

(2) The application shall be accompanied by an affidavit of the person restrained or any other person acquainted with the facts and has approached the Court for taking cognizance of the matter. The application shall mention the nature and the circumstances of the restraint and stating if any previous application had been filed or not on behalf of the person restrained and in case such previous application had been filed, the result thereof:

Provided that a person detained in jail may submit his petition through the Superintendent Jail.

(3) When an application is made by a person other than the detenu or the person restrained, sub-rule (1) and (2) above shall apply *mutatis mutandis*.

(4) The Rule relating to filing of affidavits in writ petition shall also apply to an application for a writ in the nature of Habeas Corpus.

67. Applications in the nature of Habeas Corpus filed under Article 226 of the Constitution of India shall be registered as "Writ Petitions (Habeas Corpus)" and shall be laid before the Division Bench forthwith.

68. If the Bench is of opinion that a *prima facie* case for granting the application is made out, a *rule nisi* shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be mentioned therein not later than two weeks to show cause why such order should not be made and at the same time, if so ordered, to produce in Court the body of the person alleged to be illegally detained then and there to be dealt with according to law.

69. If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

70. (1) The High Court may order any fact to be proved by affidavit or by oral evidence if it considers it necessary.

(2) The High Court may, if necessary, direct a Court of Session or a Magistrate to take evidence as provided in Section 391 of the Code of Criminal Procedure.

71. On the return day of such rule or on any day to which the hearing thereof may be adjourned, if no cause is shown or if cause is shown and disallowed the Court shall pass an order that the person or persons illegally detained be set at liberty. If the cause is allowed, the rule shall be discharged, and the person or persons detained, if present in Court, shall be delivered to the person entitled to their custody.

72. In any case in which the High Court orders a person in custody to be brought before it or before a Court-martial, or before any Commissioner, or to be removed from one custody to another or to be set at liberty a warrant to that effect shall be prepared and signed by the Deputy Registrar and sealed with the seal of the High Court.

73. Such warrant shall be forwarded by the Deputy Registrar when the person is under detention in a Jail, to the officer-in-charge of that jail or the public officer or other person holding the person in custody or restraint and a copy of the above warrant shall be sent to the detaining authority simultaneously. In every other case, the warrant shall be served as the High Court may direct.

74. In disposing of any such rule, the High Court may, in its discretion make such order for costs as it may consider just.

75. In all cases mentioned in this Part of the Rules, where the matter is to be placed for final disposal the Court may order four copies of paper books to be prepared.

The cost of the paper book shall be borne by the person who is responsible for illegal detention and in other cases the preparation of paper book shall be free of cost. Out of these, two will be for the use of the Bench and one each for the Advocate General and the applicant.

76. The paper book shall consist of the application for the writ, the affidavit and such other documents as may be filed by the parties to the case or as the High Court may order to be included.

C: PUBLIC INTEREST LITIGATION

77. (1) The expression 'Public Interest Litigation' connotes litigations undertaken for the purpose of redressing public injury, enforcing public duty, or vindicating public interest.

(2) A matter involving individual or personal grievance shall not be treated as Public Interest Litigation.

(3) Under the orders of the Chief Justice, the Registrar General may, from time to time, notify guidelines indicating the nature of matters which would fall within the ambit of Public Interest Litigation.

78. (1) A proceeding in the nature of Public Interest Litigation shall be initiated by a social action group or a public spirited individual having an interest in the cause by filing a petition. However, in appropriate cases a written communication (other than by telegram, telex or by fax) addressed to the Court or the Chief Justice may be treated as Public Interest Litigation subject to the other provisions of these Rules.

(2) Such a written communication if relates to a matter falling within the guidelines referred to hereinabove shall be treated as a petition.

79. (1) Every petition, in the format prescribed, shall state succinctly the relevant facts in order to enable the Court to determine whether a proceeding in the nature of Public Interest Litigation shall be initiated/entertained. The petition shall contain a concise statement indicating the nature of the interest of the petitioner in the case and about his competence to be placed in charge of the carriage of the proceeding. The petition shall also contain a statement whether any petition has earlier been moved in this Court relating to the same cause and the result thereof.

(2) The petitioner shall make a statement that he has no individual/ personal interest in the subject matter except in cases where the petitioner is one amongst the members/group/society/ community for whose benefit the P.I.L. has been filed. If he has any individual/personal interest, he shall disclose the same.

(3) Where the petitioner relies upon a documents in his possession or power, he shall file such documents or true copies thereof with the petition.

(4) The petition shall be accompanied by an application seeking leave for waiver of the *locus standi* rule.

(5) The petition shall be supported by an affidavit.

80. (1) If a proceeding in the nature of Public Interest Litigation has already been entertained and is pending no other petition or communication relating to the same matter shall be entertained. Any person wishing to place any other facet of the same matter before the Court, may accordingly apply for directions in the pending matter.

(2) After the Public Interest Litigation has been entertained and in case an *amicus curiae* has been appointed the Court shall be approached for all further actions through the said *amicus curiae* only.

81. Unless otherwise directed, a petitioner in a Public Interest Litigation shall submit proof of deposit of security amount of Rs.5,000/- at the time of presentation of a Public Interest Litigation.

82. (1) Every written communication treated as a petition shall be placed for directions regarding registration before the Chief Justice or the Judge nominated by the Chief Justice for the purpose in Chambers. The Chief Justice/Judge in Chambers may, if he considers it necessary, direct the person or persons sending the written communication to file an affidavit in support of the statements contained in the communication within the period prescribed in such direction. In the event of failure on the part of the person or persons sending the written communication to file an affidavit within the period so prescribed no further action would be taken on the said communication and it shall be filed.

(2) Every written communication treated as a petition in which the petitioner is not represented by a Counsel shall, after registration, be placed before the Court for directions regarding preliminary hearing. The Court shall in every such matter nominate an advocate to present the matter at the stage of preliminary hearing.

(3) The petition, or the written communication, shall thereafter be posted before the Court for preliminary hearing and for orders as to issue of notice. In case of a P.I.L., to be treated so on the basis of a written communication, the Court feels it necessary to ascertain the veracity of

the allegations made in the communication, it may call for the report from the concerned authority before proceeding further in the matter. Upon hearing, the Court, if satisfied that the person initiating the proceedings has sufficient interest in the cause and that a *prima facie* case is made out for initiating the proceeding, may grant leave for waiver of the *locus standi* rule and issue notice to the concerned Government and/or authority as well as to any other person or persons who may be adversely affected by any order passed in the proceeding. If the Court is not so satisfied it shall drop the proceeding.

(4) Every proceeding in the nature of Public Interest Litigation, except on registration on written information, shall have, as its cause title, the cause which is the subject matter of the proceeding in the following form-

W.P. (PIL) No...............of...........
In re: (Mention the nature of the cause)

83. After service of notice the matter shall be placed for hearing before the Division Bench headed by the Chief Justice unless otherwise directed.

84. The Court may, if it considers necessary, appoint an advocate as *amicus curiae* for the purpose of assisting it in the disposal of the proceeding.

85. If it is found that the proceeding has been initiated malafidely with an oblique motive or is frivolous or vexatious, the Court may, while dismissing the petition, impose costs on the person or persons responsible for initiation of the proceeding.

86. Save as otherwise provided by the Rules contained in this chapter, the other provisions of the High Court Rules shall *mutatis mutandis* apply to this proceeding.

FORMAT OF WRIT PETITION

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (____) NO.______ OF _______

PETITIONER(S)

Versus

RESPONDENT(S)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER(S).
2. PARTICULARS OF THE RESPONDENT(S).
3. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE.
   SUBJECT MATTER IN BRIEF.
4. WHETHER CAVEAT FILED, IF YES, WHETHER COPY OF THE PETITION SUPPLIED TO THE CAVEATOR.
5. DETAILS OF REMEDIES EXHAUSTED
6. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OF LAW
7. DELAY, IF ANY, IN FILING THE PETITION.
8. FACTS OF THE CASE

   8.1
   8.2

9. GROUNDS (Distinct grounds to be raised separately)

   9.1
   9.2

10. RELIEF(S) SOUGHT

Counsel for the Petitioner(s)

Place
Dated

FORMAT FOR FILING OF PUBLIC INTEREST LITIGATION PETITION

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (PIL) NO:.......OF......

In Re:.......................(cause for which PIL is submitted)

PETITIONER(S).

Versus

RESPONDENT(S).

1. PARTICULARS OF THE PETITIONER(S) (same as format of writ petition).

2. PARTICULARS OF THE RESPONDENT(S) (same as format of writ petition).

3. (A) PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS BEING PREFERRED.

   (B) SUBJECT MATTER IN BRIEF.

   (C) (I) The present petition under Article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest (if he has any personal interest such interest must be disclosed). The petition is being filed in the interest of_______(give particulars of the class of persons for whose benefit the petition is filed).

   (II) That the petitioner is_____ (give short background of the petitioner; if the petitioner is an organization, the names of the office-bearers must be furnished). The petitioner has earlier filed/not filed any other public interest petition (if filed, details of such PIL filed including the case number

and the court, status and brief description of the order passed must be given. It must also be stated whether in any of such cases any cost has been awarded for or imposed against the petitioner; and whether any appreciation or stricture has been passed).

(III) That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the traveling expenses of the lawyer, if any, are being borne by the petitioner himself (if not, the petitioner must disclose the source of funds).

(IV) The source of information of the facts pleaded in this Public Interest Litigation, is based on ___________.(if news report, whether the applicant has verified the facts by personally visiting the place, talking to other people or from the reporter/ editor of the newspaper concerned. If the petitioner does not wish to disclose the source he may say so with reasons).

(V) That the petitioner has/has not sent representation in this regard. (if yes, details of such representation and reply, if any, from the authority concerned along with copies thereof must be filed. If not, reason for not sending such representation).

(VI) That to the best of knowledge of the petitioner, no public interest petition (whether filed by the petitioner himself or by someone else) raising the same issue is filed before this

Hon'ble Court or before any other Court. (if filed, details thereof).

4. WHETHER CAVEAT FILED, IF YES, WHETHER COPY OF THE PETITION SUPPLIED TO THE CAVEATOR.

5. DETAILS OF REMEDIES EXHAUSTED.

6. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OF LAW.

7. DELAY, IF ANY, IN FILING THE PETITION.

8. FACTS OF THE CASE

8.1

8.2

9. GROUNDS

State separate grounds with specific mention of violation of particular constitutional or statutory provision or any administrative instruction. The relevant provision of the Constitution and statute must be quoted and administrative instruction must be filed.

9.1

9.2

10. RELIEF(S) SOUGHT.

Place:

Dated: Counsel for the Petitioner(s)

FORMS

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

NOTICE

General Form

Writ Petition (Habeas Corpus) No......................of 20.....

.......................Applicant.

To,

....Non-Applicant

Whereas an application has been made in the above case by the applicant for a writ in the nature of Habeas Corpus for direction under Article 226 of the Constitution (copy of application enclosed).

Take notice that the .... day of ....20.... has been fixed for hearing and the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the application, your attention is drawn to Rule 69 of the High Court Rules to regulate proceedings for directions, orders or writs in the nature of Habeas Corpus, printed overleaf.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur, this .... day of ....20....

By Order of the High Court,
Registrar (Judicial).

(Seal of the Court)

Forwarded to the .... for favour of service and immediate return of the original duly endorsed. The necessary process fee has been levied.

Registrar (Judicial)

(Overleaf)

Rule 69.- If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

No.........................

From

....
Registrar (Judicial),
High Court of Chhattisgarh at Bilaspur.

Bilaspur the.............20...............

Subject:- Notice to Non-applicant No........in Writ Petition (Habeas Corpus) No........of 20...........

Sir,

I am directed to inform you that one .... has filed an application under Article 226 of the Constitution of India (copy enclosed) in this Court, and the same has been registered as Writ Petition (Habeas Corpus) No......... of 20....

Take notice that the said Writ Petition has been fixed for hearing on the .... day of ....20.... and that the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through Counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the application, your attention is drawn to Rule 69 of the High Court Rules to regulate proceedings for directions, orders or writs in the nature of Habeas Corpus, printed overleaf.

I am to request you for an immediate acknowledgement of this letter.

Yours faithfully,

Registrar (Judicial).

(Seal of the Court)

Enclosure: Copy of the application.

(Overleaf)

Rule 69.- If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

NOTICE

General Form

Writ Petition ( ) No...............of 20.....

.........Petitioner.

....Opposite Party.

To,

....
....
....

Whereas a petition has been made in the above case by the petitioner for a direction/order/writ of Mandamus/Prohibition/Certiorari/Quo Warranto under Article 226/227 of the Constitution of India (copy of petition enclosed).

Take notice that the .... day of ....20.... has been fixed for hearing, and the said petition will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf, either in person or through Counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the petition, your attention is drawn to Rules 52 and 53 of the High Court Rules regulating proceedings for directions, orders and writs in the nature of Mandamus, Prohibition, Certiorari and Quo Warranto etc., printed over leaf.

Given under my hand and the seal of the High Court of Chhattisgarh, Bilaspur, this ....day of ......20....

By Order of the High Court

Registrar (Judicial)

Forwarded to the .... for favour of service and immediate return of the original duly endorsed. The necessary process-fee has been levied.

Registrar (Judicial)

(Overleaf)

Rule 52.- An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

Rule 53.- No further return, affidavit or document shall be filed by any party except with the leave of the Court.

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

No...........

From

....
Registrar (Judicial),
High Court of Chhattisgarh at Bilaspur.

To

....
....
Bilaspur the ....20..........

Subject:- Notice to Non-applicant/Respondent No............. in Writ Petition ( ) No........of 20............

Sir,

I am directed to inform you that one .... has filed a petition under Article 226/227 of the Constitution of India (copy enclosed) in this Court, and the same has been registered as Writ Petition ( ) No....... of 20......

The notice that the said petition has been fixed for hearing on the .... day of ....20.... and that the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the petition, your attention is drawn to Rules 52 and 53 of the High Court Rules regulating proceedings for directions, orders and writs in the nature of Mandamus, Prohibition, Certiorari and Quo Warranto etc., printed over leaf.

I am to request you for an immediate acknowledgement of this letter.

Yours faithfully,

Registrar (Judicial)

(Seal of the Court)

Enclosure: Copy of the application.

(Overleaf)

Rule 52.- An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

Rule 53.- No further return, affidavit or document shall be filed by any party except with the leave of the Court.

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition ( ) No.........of 20......

.... - Versus - The State of Chhattisgarh (and others)

To,

The State of Chhattisgarh,
Through the Chief Secretary to Government,
DKS Bhavan, Mantralaya, Raipur,
Chhattisgarh.

Whereas a petition has been made to this Court under Article 226/227 of the Constitution of India on behalf of the petitioner, the Division/Single Bench of the High Court, presided by .... in presence of .... Counsel for the petitioner, and Advocate General/Government Advocate, Counsel for the opposite party, ordered that—

....

....

....

....

The costs of the petition will be borne by ....

Given under my hand and the seal of the High Court of Chhattisgarh Bilaspur, this .... day of ....20.....

By Order of the High Court,

Registrar (Judicial).

(Seal of the Court)

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(Warrant for release of a person in custody)

Writ Petition (Habeas Corpus) No.........of 20......

.....................son of...........

- Versus -

The State ....

Decided on the...........day of .... 20....

To,

The......................
....
....

Whereas an application has been made to this Court under Article 226 of the Constitution of India on behalf of .... who is said to have been restrained, arrested or detained under an order issued by .... under Section ...... of the .... Act .... on the .... 20..... And whereas on hearing the Writ Petition (Habeas Corpus) No.......... 20...... this Court has ordered this day that said .... be set at liberty.

This is to authorize and require you forthwith to discharge the said .... from your custody unless he is liable to be detained for some other matter.

The warrant after execution may be returned to this Court under your signature.

Given under my hand and the seal of this Court, this .... day of ....20......

By Order of the High Court

Registrar (Judicial)

(Seal of Court)

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(Warrant to produce a person in custody)

To,

The Superintendent of Jail
at.............
(Name of Jail or Lunatic Asylum or Juvenile Home or any other place, where the person is detained in custody) or to (name of person).

You are hereby required to have the body of .... now a prisoner in your custody (or now in your custody) produce under safe and sure conduct before the High Court of Chhattisgarh at Bilaspur on the .... day of .... at .... o'clock of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the Court (if the prisoner is detained in public custody) and unless the said .... shall then and there, by the Court, be ordered to be released, you shall, after the Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct back to the said Jail or Lunatic Asylum or Juvenile Home or other place of custody.

Given under my hand and the seal of this Court, this .... day of .... 20......

By Order of the High Court

Registrar (Judicial)

(Seal of Court)

--- --- ---

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Certificate of non-satisfaction of costs

Writ Petition (   ) No.......of 20....

Whereas the petitioner/respondent in the above case has applied to this Court for recovery of costs amounting to Rs.......... from respondent / petitioner and the latter has failed to deposit the amount of Rs........ payable to the petitioner / respondent.

And whereas a Bench of this Court consisting of the Hon'ble Shri Justice .... and the Hon'ble Shri Justice.............. has ordered issue of a certificate.

It is hereby certified that the petitioner/respondent is entitled to recover the amount of Rs........... from respondent/petitioner.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur this .... day of .... 20......

By Order of the High Court

Registrar (Judicial)

(Seal of Court)

Forwarded to the District Court at .... for necessary action.

Registrar (Judicial)

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CHAPTER-VI

CIVIL APPEALS, REVIEWS AND REVISIONS

87. Every memorandum of appeal and every application for review or revision shall immediately below the title have endorsed on it "First Appeal", "Second Appeal", "Miscellaneous Appeal", "Review" or "Revision", as the case may be, stating the provision of law under which made, and shall state :--

(1) the name and address of each appellant / applicant;

(2) the name and address of each respondent / non-applicant;

Note- Address in (1) and (2) includes name of police station and post office.

(3) the description of the parties to the appeal or application as to whether such parties were plaintiff(s), defendant(s), applicant(s) or non-applicant(s) in the Court of first instance;

(4) the value of the appeal, including valuation in Courts below and in the case of an application for revision, the value in suit;

Provided that if there is a variation in valuation the appellant shall explain it in a short note appended with the memorandum of appeal.

(5) the amount of Court – fees affixed to the memorandum of appeal / application;

(6) the Court(s) by which and the name of the Judicial Officer by whom the decree or order under challenge was made;

(7) the date and the number of the case in which such decree or order was made;

(8) the brief statement of facts;

(9) the ground or grounds numbered *seriatim* of objection to the decree,

order or judgment, except that in second appeals substantial question(s) of law shall be stated;

(10) the relief prayed for.

88. If the Presentation relates to a cause, appeal or other proceeding already before the Court, the class and number of such cause, appeal or proceeding shall be set out immediately below the title; otherwise the class or proceeding to which the petition belongs shall be indicated.

89. The provisions for filing appeals/applications shall apply, as far as may be, to a memorandum of objection under Order XLI Rules 22 & 26 of the Code of Civil Procedure.

90. (1) Every application for review made upon the ground of the discovery of new and important matter or evidence within the meaning of Order XLVII Rule 1 of the Code of Civil Procedure shall be accompanied by an affidavit of the applicant together with documents, if any, relied upon, and stating in clear terms what such new and important matter or evidence is, the effect or purport thereof and that the same, after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the decree / order was passed.

(2) The Registry shall list the review petition within ten days of filing in the Chamber of the Judge(s) for consideration and if the Judge(s) reaches to the conclusion after consideration of the material placed that there is no sufficient ground for a review, same shall be rejected:

Provided that, if the Judge(s) is of the opinion that there is sufficient ground for review, the matter shall be listed for hearing.

91. (1) If a memorandum of appeal is within time, sufficiently and properly stamped and complies with the provisions of these Rules and the law relating to the maintainability and filing of such an appeal;

(i) In the case of a First Appeal from a judgment and decree, the Registrar (Judicial) shall admit the appeal and direct issuance of notices to the respondents.

(ii) All other appeals shall be posted before the appropriate Bench for consideration of admission and passing of appropriate orders.

(2) Any party seeking stay of the execution of the decree in every appeal or for obtaining any other interim relief shall do so by making an appropriate application and the Court may pass orders on such application.

92. Every memorandum of appeal or application for which the Court Fee cannot be ascertained until the receipt of the record shall, as soon as possible after the receipt of the record, be examined by the Stamp Reporter and who shall then endorse on as to the sufficiency of the stamp and shall send it to the Registrar (Judicial) for orders.

93. (1) In an appeal arising out of an original or an appellate decree the Registrar (Judicial) shall requisition the record of the Court(s) below.

(2) If the appellant/applicant fails to take requisite steps in the appeal/application or any other proceedings and it appears that he is not prosecuting the appeal/application with due diligence, the Registrar (Judicial) shall call upon him to make good/ explain his default and if no explanation is offered/default is not made good, or the explanation offered appears to be insufficient, the matter shall be placed before the Court for dismissal in default of compliance or such appropriate directions as it may deem fit.

CHAPTER-VII

PROCEDURE IN CRIMINAL CASES

(A) General

94. (1) Every memorandum of appeal and every application or revision shall immediately below the title have endorsed on it "Criminal Appeal", "M. Cr. C.", "Criminal Revision", or "Criminal Miscellaneous Petition", as the case may be, stating the provisions of law under which made, and shall state---

(i) the name and address of each appellant / applicant;

(ii) the name and address of each respondent / non-applicant;

(iii) every memo of appeal under Section 374 of the Code of Criminal Procedure and every petition praying for the exercise of the High Court's power under Section 397/401 of the Code of Criminal Procedure shall state the details of the sentence and/or fine imposed and the enactment under which any conviction is held in the proceedings in connection with which the appeal/revision is made;

(iv) the case number, date of judgment/order appealed/ applied against, and all other particulars of the case including the name of the Presiding Officer of the Court below;

(v) facts of the case in brief;

(vi) ground(s) numbered serially;

(vii) the relief prayed for;

(2) Every such appeal, application or revision shall be accompanied by the

certified copy of the impugned judgment / order:

Provided that the provisions of this Rule, shall not apply to a memo of appeal / revision or an application made by an accused in duress.

95. Every application for Revision under Section 397/401 of the Code of Criminal Procedure shall state the details of application, if any, filed before the Court of Sessions or the High Court by any party to the original case.

96. In all Criminal Appeals and Criminal Revisions arising out of conviction and sentence imposed by a Judicial Magistrate or a Sessions Court, the Registrar (Judicial) shall send for the record of the Court(s) below. In other cases the record of the Court below shall not be requisitioned unless otherwise directed by the Court.

97. In an appeal or revision against conviction no application or motion for suspension of sentence shall be heard unless the accused has surrendered except in case where the accused has been released on bail by the court below.

98. No application for suspension of sentence or any application for interim relief shall be made without service of notice to the Public Prosecutor/ Advocate General.

(B) Reference in Capital Cases

99. When a proceeding is submitted to the High Court under Section 366 of the Code of Criminal Procedure, the Registrar (Judicial) shall cause the record to be examined and have it entered in the prescribed register.

100. If the record is in order, the Registrar (Judicial) shall fix a date of hearing of the

reference which shall not be before the expiry of the period of limitation for filing appeal and shall at once cause a paper-book to be prepared.

101. The paper-book shall contain the following papers :

(1) Police Challan;

(2) First Information Report, if any;

(3) Magistrate's charge with list of witnesses, if any;

(4) Statement under Section 164 of the Code of Criminal Procedure, if any;

(5) Examination under Section 281 and 313 of the Code of Criminal Procedure , if any;

(6) Ground for commitment, if any;

(7) Record of evidence in the Court of Sessions with any further examination under Section 281 of the Code of Criminal Procedure and altered charge, if any;

(8) Judgment of Sessions Court;

(9) Material documentary evidence, if any;

(10) Petition of appeal, if any;

(11) Order-sheet and the list of exhibits.

102. Six copies of paper-book shall be prepared and immediately on receipt of the paper-book the Registrar (Judicial) shall cause one copy each to be sent to the Public Prosecutor / Advocate General and the defence counsel, the remaining four copies shall be retained for the use of the Court.

103. Any order passed by the Court under Sections 368, 415 or 416 of the Code of Criminal Procedure shall be forwarded forthwith to the Subordinate Court and the Superintendent of Jail.

(C) Jail Appeal

104. On receipt of a Jail Appeal the Registry shall examine it and if found in order place it before the appropriate Bench. If defective, the Registry shall coordinate with the Chief Judicial Magistrate and/or the Jail authorities to enable the appellant to take appropriate steps.

(D) Appeal against Acquittal

105. The Prosecution may present appeal against any original or appellate order of acquittal upon the Court granting leave, if required.

106. In case of an order of acquittal passed in any case instituted on complaint, the complainant may present an appeal to the Court if the Court grants special leave to appeal on an application made in the manner hereinafter provided.

107. All acquittal Appeals when the sentence prescribed is of more than ten years shall be listed before the Division Bench for admission along with record.

108. In the case of an appeal under Section 378, sub-section (1) or sub-section (2) of the Code of Criminal Procedure, the Registrar (Judicial) shall ascertain whether the accused desires assistance, and if so, he shall assist him in the appointment of an Advocate on his behalf.

109. On receipt of the records from the Lower Court, the Registrar (Judicial) shall cause six copies of paper-books at the cost of the Court to be prepared in Division Bench cases only. Such paper-books shall be prepared in accordance with procedure prescribed.

110. Notwithstanding anything contained in these Rules, in all cases in the High Court, paper-book shall be typed, or cyclostyled, or printed except where otherwise ordered by the Court/Registrar (Judicial).

(E) Other Appeals provided in the Code of Criminal Procedure

111. The provisions contained in this Chapter shall apply as far as possible in cases of appeal under Sections 86, 341, 351, 449 and 454 of the Code of Criminal Procedure.

(F) Criminal Revision

112. Cases in revision may be taken up in one or more of the following ways:-

(1) upon a petition presented in the Court in normal course;

(2) upon a petition received from jail;

(3) upon an order by a Judge on perusal of a Sessions statement;

(4) upon an order by a Judge on examination of periodical return; or

(5) during the course of Inspection of a Subordinate Court.

113. Revisions arising out of conviction and sentence of imprisonment shall be posted for admission only after the applicant has surrendered.

114. When a Revision has been admitted the Registrar (Judicial) shall fix a date of hearing and cause notice to be issued in the prescribed form.

115. In the case of Revision, when notice has been issued to the accused proposing a death sentence, the Registrar (Judicial) shall take steps to ascertain whether the accused has funds to employ his own counsel and if necessary shall at the earliest obtain orders of the Chief Justice for appointment of counsel for the accused.

(G) Criminal Reference

116. (1) As soon as Reference under Section 395 of the Code of Criminal Procedure is received the Registrar (Judicial) shall register and place before the Court for admission. The Court shall thereafter dispose of the Reference in such

manner as it deems appropriate.

(2) If the Court is of opinion that the point referred to in the case is of substantial importance, it may refer the case for hearing by a Larger Bench.

(H) Bail Matters

117. Every bail application under Sections 438 and 439 of the Code of Criminal Procedure shall, as far as possible, be moved in the format prescribed.

118. No application for grant of anticipatory bail or regular bail under any provision of law shall lie unless a notice has been served upon the Public Prosecutor / Advocate General.

119. In all Criminal Appeals and Criminal Revisions arising out of conviction and sentence imposed by a Judicial Magistrate or a Court of Sessions, the Registrar (Judicial) shall send for the records of the Court(s) below. In other cases the records of the Court(s) below shall not be sent for or requisitioned unless the Court directs.

120. (1) All applications for grant of anticipatory bail shall be supported with an affidavit of the applicant clearly stating the name of the advocate he has engaged and whether any such bail application has been previously filed or not. In exceptional cases a relative of the applicant or the person engaging the lawyer in the High Court may submit an affidavit in support of the application.

(2) In a case where the number of accused are more than one, the affidavit shall state as to whether or not bail application of a co-accused is pending or has been disposed of in the High Court.

(3) All applications under Section 439 of the Code of Criminal Procedure shall be supported with an affidavit of the relative of the applicant or person acquainted with the facts. If the number of the accused are more than one, the affidavit shall state as to whether or not bail application of co-accused is pending or has been disposed of in the High Court.

Format of Anticipatory Bail Application u/s 438 Cr.P.C.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

M.Cr.C. (A) NO. /YEAR

APPLICATION UNDER SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE

APPLICANT : A

VERSUS

NON-APPLICANT : B

CASE NO. /B.A. NO.
CRIME NO.
POLICE STATION
OFFENCE U/S.

The applicant named above respectfully begs to submit as under :-

1. That the applicant had preferred an application under Section 438 Cr.P.C. for anticipatory bail before the learned lower Court, which has been rejected by the lower Court vide order dated ....in bail application No......................A copy of the same is being annexed herewith as **ANNEXURE -** .

2. That this is the **First/Second/Subsequent (No.) bail application** before this Hon'ble Court. No other application of the nature is pending before this Hon'ble Court or before the Court below.

3. That the applicant is apprehending his arrest in connection with Crime No...................... registered at Police Station .... for an alleged offence punishable under Section ....of I.P.C./any other Act.

4. The applicant has following pending/decided criminal case(s) against him --------- (if none – say nil)

5. That as per the prosecution story ....

GROUNDS

6.

7. That the applicant is ready to abide by all the directions and conditions which may be imposed by this Hon'ble Court while granting bail

8. That the applicant is permanent resident of ....
....

PRAYER

It is therefore, prayed that this Hon'ble Court may kindly be pleased to order release of the applicant on bail in the event of arrest for the above mentioned offence..

COUNSEL FOR THE APPLICANT

PLACE :
DATED :

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

M.Cr.C. (A) NO. /YEAR

APPLICANT : A

VERSUS

NON-APPLICANT : B

AFFIDAVIT

I ....S/o...................................aged.........years R/o.............................District.................... do hereby state on oath as under :-

1. That, this is the **First/Second/Subsequent (No.) bail application** of the applicant before this Hon'ble Court. No other application of the nature is pending either before this Hon'ble Court or Court below.

2. That, I am the applicant in the instant petition and as such I am fully conversant with the facts of the case.

3. That, I have engaged Mr. .... Advocate as my counsel to move and argue the bail application before this Hon'ble Court on my behalf.

4. That the statement of facts in bail application are true to my personal knowledge.

DEPONENT

VERIFICATION

I...................... the deponent, do hereby verify that the contents of the affidavit from paras 1 to 4 are true to my personal knowledge.

Verified and signed on this ....day of..................... at...........................

DEPONENT

Identified by me:

* * *

Format of Application for regular bail u/s 439 Cr.P.C.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

M.Cr.C.NO. /YEAR

APPLICATION UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE

APPLICANT : A

VERSUS

NON-APPLICANT : B

CASE NO. /B.A. NO.
CRIME NO.
POLICE STATION
OFFENCE U/S.

The applicant named above respectfully begs to submit as under :-

1. That this is the **First/Second/Subsequent (No.) bail application** before this Hon'ble Court. No other application of the nature is pending before this Hon'ble Court or before the Court below.

2. That the applicant had preferred an application under Section 439 Cr.P.C. for his release on bail before the learned Sessions Court, which has been rejected by the lower Court vide order dated .... in bail application No...................... A copy of the same is being annexed herewith as **ANNEXURE -**

3. That the applicant has been arrested by Police of Police Station .... on .... for an alleged offence punishable under Section ....of I.P.C./any other Act.

4. That the deponent of the attached affidavit is a relative (relation to be disclosed) of the applicant and is fully conversant with the facts of the case and authorized by the applicant to move an application for his release on bail.

5. That as per the prosecution story ....

GROUNDS

6.

7. That the applicant is permanent resident of ....

8. That the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Hon'ble Court.

PRAYER

It is therefore, prayed that this Hon'ble Court may kindly be pleased to grant bail to the applicant.

COUNSEL FOR THE APPLICANT

PLACE :
DATED :

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

M.Cr.C.NO. /YEAR

APPLICANT : A

VERSUS

NON-APPLICANT : B

AFFIDAVIT

I ....S/o....................................aged.........years R/o...........................District.................. do hereby state on oath as under :-

1. That, I am applicant's **Relative** (relation to be disclosed) and conversant with the facts of the case. I am authorized by the applicant to move an application for his release on bail.

2. That, I am authorized by the applicant to swear this affidavit on his behalf in support of the bail application.

3. That, this is the **First/Second/Subsequent (No.) bail application** of the applicant before this Hon'ble Court. No other application of the nature is pending either before this Hon'ble Court or Court below.

4. That, I have engaged Mr. .... Advocate as applicant's counsel to move and argue the bail application before this Hon'ble Court on his behalf.

5. That the contents of the bail application are true to my personal knowledge.

DEPONENT

VERIFICATION

I........................ the deponent, do hereby verify that the contents of the affidavit from paras 1 to 5 are true to my personal knowledge.

Verified and signed on this ....day of..................... at..............................

DEPONENT

Identified by me:

CHAPTER-VIII

FILING, REGISTRATION AND CLASSIFICATION

A: FILING AND REGISTRATION

121. All Presentations including documents etc. shall be headed "IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR" and shall be filed in triplicate at the centralized filing counter or the filing counter earmarked for a particular group of cases before the designated Officer and shall be accompanied by a prescribed listing proforma duly filled in primarily meant for entering in the Computer Data. The filing shall be received from 10 AM to 1.30 PM and from 2.15 PM to 4.30 PM.

122. All Presentations shall be processed only after a satisfactory stamp report, and after the defects, if any, have been removed and all other mandatory requirements are duly met with.

123. All Presentations shall be submitted by a petition in the prescribed proforma wherever provided:-

(1) written in English;

(2) neatly typed on thick green paper of foolscap size with a margin of two inches, only one side of the paper being used;

(3) signed and dated by the petitioner or by his counsel, or if the petitioner is illiterate bearing the petitioner's thumb mark and attested by one literate person;

(4) signed by the typist who shall state his capacity;

(5) presented in the filing section by the petitioner or his recognized agent or his counsel.

124. In the cause title of every civil and criminal case, the name of the District from

where the matter has arisen shall be mentioned in capital letters/bold/underline.

125. (1) Where at any time between the conclusion of hearing and the pronouncing of the judgments or after the judgment but before the filing of the appeal, any party to the proceeding in the court below dies, the appeal may be filed by or against the legal representatives, as the case may be, of the deceased party:

Provided that the appeal is accompanied by a separate application, duly supported by an affidavit, praying for bringing on record such person as the legal representative of the deceased party and setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

(2) The Registrar, (Judicial) after satisfying himself that the appeal is in order, shall endorse the date of presentation on the Memorandum of appeal and register the same as an appeal in the Court.

126. The following Presentations shall be accompanied by an affidavit made by the petitioner or his duly authorized agent:-

(1) For review made upon the ground of the discovery of new and important matter or evidence;

(2) For stay of execution;

(3) For vacating an order staying execution;

(4) For security under Order XLI, Rules 6 and 10 of the Code of Civil Procedure;

(5) For re-admission or restoration of an appeal or application dismissed for default of appearance or for non-payment of process fee or paper-book costs;

(6) For action for contempt of Court;

(7) For substitution of parties;

(8) For the appointment or discharge of guardians ad - litem or next friends;

(9) For transfer of any civil or criminal case;

(10) For action under Section 87 of the Code of Criminal Procedure.

Provided that the Court may direct a party to file an affidavit in any other matter.

127. On receipt of the document, the Officer In-charge of the filing counter shall endorse on the document the date and time of receipt and enter the particulars of the said document in the computer system as well as the register of daily filing and cause it to be sent to the department concerned for examination. If, on scrutiny the document is found in order, it shall be duly registered and given a serial number of registration. It shall also be entered in the Computer as a Data. The Chief Justice may issue instructions from time to time, with regard to the procedure for filing, especially having regard to computerization requirements and once issued, those instructions shall be applicable and enforceable as being part of this Chapter.

128. (1) Where a document is found to be defective, it shall, after notice to the party filing the same, be placed before the Registrar (Judicial).

(2) The Registrar (Judicial) may, by an order in writing, decline to receive the document if, in his opinion, the mandatory requirements of the rules are not satisfied. Where, however, the defect noticed is formal and/or curable, the Registrar (Judicial) may allow the party to rectify the same in his presence, but in other cases he may require the party to obtain an order from the

Court permitting the party to rectify the same and for this purpose may allow such time as may be necessary but not exceeding twenty eight days in aggregate.

129. As soon as the matter is found in order, the same shall be duly registered and given a serial number of registration through Computer, the particulars and the data of the same shall be entered in the Computer and while preparing the cause list, the Listing Branch shall include the fresh matters in the list from the data available in the Computer. For the purpose of listing fresh matters, matters for orders on interlocutory applications, after notice matters, and final disposal matters shall be taken from the computer only.

130. (1) The Presentations shall be in paper-book form, with index, typed on green coloured, foolscap size, water marked plain paper or bond paper capable of being used in the printer of the computer, with a margin of two inches containing approximately 24 lines, paginated and with annexure numbers, and shall be accompanied by a synopsis of the case giving the relevant dates of events in chronological order.

(2) Hand written document used as annexures if not easily readable in Photostat, shall be accompanied by true typed copies.

131. After entries are made, the Registrar (Judicial), either himself or through office staff under his supervision, shall get the matter examined as per the check list and in the following manner:-

(1) Format of cause title, including full and complete address of all the parties including the details of the Police Station, Post Office and Postal Index Number.

(2) Receipt showing service of copy on the Advocate General/ other side

as required under these Rules or any other statute or Rules.

(3) Sufficiency of Court fee Stamp:

Provided that deficiency of Court Fee Stamps will not be considered to be a defect for the purpose of filing if it is accompanied by an application seeking leave to pay deficit stamps within a specified period or to contest the stamp report.

(4) Provision of law under which the filing is made.

(5) Certified copy of the order under challenge and/or of any order required under these Rules, or under any other statute or Rules.

(6) Relief sought for.

(7) Sufficient number of copies as required under these Rules.

(8) Other requirements under these Rules or statutory requirement, if any.

132. Where the Registrar (Judicial) is of the opinion that there is a bonafide arguable point pertaining to any defect, he shall place the matter before the Bench.

133. Defect free Presentations shall immediately be sent to the concerned Section for being listed before the Bench. Similarly, the particulars/ data of all the cases, which are to be listed for orders, after notice cases and final disposal cases shall be updated on each day and those particulars/data shall be updated day-to-day as per the daily development in the matter.

134. The affidavit accompanying a petition for the re-admission or restoration of an appeal or application dismissed for default of appearance or for non-payment of process fees or paper-book costs shall state the circumstances under which such default was made, and whether or not the party whose appeal or application was dismissed had, before such dismissal, engaged an advocate to conduct the appeal or application.

135. (1) In the matter of any pending case no interlocutory application, written statement, affidavit, or list of documents shall be filed unless a copy thereof has been previously served on the counsel for the opposite party. The counsel served with such copy shall acknowledge receipt by endorsement. When the counsel for the opposite party refuses to accept the copy or is not available or such party is not represented, the fact shall be endorsed by the applicant on the application or document presented :

Provided that where the counsel for the opposite party refuses to accept the copy, he may record his reasons for refusal on the original application or document.

(2) In the matter of any pending case the interlocutory applications or any other pleadings or affidavits or documents filed shall clearly state the case number and the date of hearing, if any.

(3) When the case is listed in the Court and any filing is done on the same day, it shall be the duty of the concerned Advocate to apprise the Court, about such filing of pleadings, at the beginning of the hearing.

136. Unless otherwise directed, all criminal appeals/criminal revisions in which a prayer for suspension of sentence has been made or all applications for grant of bail or all Misc. Criminal Cases for staying any pending matters, filed before 1.30 PM shall ordinarily be posted for admission or orders, as the case may be, as far as possible within three days.

137. Where any interlocutory application is filed in a case which is listed before the Bench; on urgency being shown, the same shall be laid on the records of the case without any delay.

138. (1) All cases shall be listed for admission along with interlocutory

applications seeking interim relief(s), if any, chronologically in accordance with the date of filing. No matter shall be listed for admission out of turn unless so directed by the concerned Court or the Chief Justice in this regard, notwithstanding the filing of an interlocutory application for interim relief(s).

(2) All applications filed in the main case will be registered as interlocutory applications and shall be given a separate number.

139 The provisions as contained in this Chapter, so far as may be, shall be applicable to filing of Process Fee, Vakalatnama, documents, slips and any other papers relating to any case.

B: CLASSIFICATION

140 Classification, group-wise, of all the matters for its registration to be filed in the Court, in supersession of all the previous nomenclatures relating to matters, shall be as shown here under :

I) Writ Petitions classified as:

(i) W.P. (Habeas Corpus)	:	Habeas Corpus Petitions
(ii) W.P. (PIL)	:	Public Interest Litigations
(iii) W.P. (S)	:	Service Matters
(iv) W.P. (L)	:	Labour & Industrial Matters
(v) W.P. (T)	:	Tax Matters
(vi) W.P. (Art. 227)	:	Under Article 227 of the Constitution of India
(vii) W.P. (C)	:	All other civil writs, i.e. those not falling in any of the above mentioned sub-groups
(viii) W.P. (Cr.)	:	Petitions relating to criminal matters

(2)	Writ Appeal	: Appeals against the order of Single Bench in a writ petition under Article 226 of the Constitution of India
(3)	F.A.	: First Appeals under Section 96 of the CODE OF CIVIL PROCEDURE
(4)	F.A. (Misc.)	: First Appeals under any other law
(5)	S.A.	: Second Appeal
(6)	M.A.	: All other Miscellaneous Appeals e.g. under Order XLIII Rule 1 of the Code Of Civil Procedure and appeals provided against interim/final orders/ judgments in any other Central or State law
(7)	M.A. (C)	: Misc. Appeal (Compensation) e.g. Appeal under Section 173 of Motor Vehicle Act, Section 30 of Workmen Compensation Act etc.
(8)	C.R.	: Civil Revision
(9)	Review Petition	: Review petitions in all Civil Cases, including in Writ Petitions
(10)	Tr. Pet. (Civil)	: Petition for transfer of Civil Cases
(11)	M.C.C.	: All Miscellaneous Civil Cases not specifically categorized or mentioned in this Chapter such as those relating to Restoration, modification or clarification etc., in a decided case
(12)	Cr.A.	: Criminal Appeal
(13)	Acq. App.	: Appeal under Section 378 of the Code of Criminal Procedure or under any other provisions of law against an order of acquittal
(14)	Cr.Rev.	: Criminal Revision.
(15)	Bail Applications	:
	(i) M.Cr.C.	Bail applications for grant of regular bail

	(ii) M.Cr.C. (A)		Bail applications for grant of anticipatory bail
(16)	Cr.M.P.	:	The petitions of criminal nature including applications under Section 482 of the Code of Criminal Procedure (quashing) and all applications under any other provision of the Code of Criminal Procedure or under any law dealing with the crimes or criminal matters, but will not include the applications filed under any provisions of the Constitution of India or a petition for bail or anticipatory bail
(17)	Tr. Pet. (Criminal)	:	Petition for transfer of Criminal Cases
(18)	Cr. Ref.	:	Criminal Reference under Section 366/ 395 of the Code of Criminal Procedure
(19)	Cont. Case	:	The petitions for initiating proceeding for committing contempt of Court
(20)	E.P.	:	Election Petition – Petitions filed under the Representation of the People Act, 1951
(21)	Tax Case	:	(TC) / ITR / ITA / C.Ex.R. / C.Ex.A. / Comm. Tax / or any other Tax matters
(22)	Comp. Pet.	:	Company Petition – Petitions / Applications filed under the Companies Act, 1956
(23)	Arbitration Application / Appeal	:	All arbitration applications including, Applications under Arbitration Act, 1940 or under the Arbitration and Conciliation Act, 1996, including the applications for appointment of arbitrator under Section 11 (4), (5) or (6) of the 1996 Act. Appeals under the Arbitration Act, 1940 or the Arbitration and Conciliation Act, 1996
(24)	I.A.	:	Interlocutory Applications in pending civil cases
(25)	M.(W).P./M.(Cr.).P./ M.(C).P.	:	This head denotes applications for grant of

interim relief/stay or for vacating any such order in a case relating to its original head

(26) Cvt. : Caveat

141. Any other case which does not fall in any of the above categories shall be registered with same classification as was being done immediately before coming into force of these Rules.

CHAPTER-IX

CAVEAT

142. (1) Any person claiming a right to be heard by the Court in any matter, before any stay or any interim relief of any nature is granted by the Court, may at any time file a Caveat giving full and complete particulars in the prescribed format, as far as possible, including particulars relating to the cause title, case number, date of judgment etc.

(2) Every caveat shall be presented by the party in person or by his Advocate in the concerned Filing Section. Where the caveator is represented by an Advocate his Vakalatnama shall accompany the caveat. Where the caveat has been lodged under these rules, the person by whom the caveat has been lodged shall serve a notice of the caveat by Registered Post or by approved Courier Service, acknowledgement due, on the person by whom the Presentation has been, or is expected to be made. If the caveat is filed in person, the caveator's full address, telephone number(s), mobile number, Fax number with S.T.D. Code and E-mail address shall be furnished. In case the caveator is an outsider, he should give his or his authorized agent's local address.

143. (1) The caveat Section of the Registry shall maintain a list of all caveats and immediately on receipt of a Caveat enter the same in the Computer or make a record of the same. Whenever a matter is filed where Caveat-clearance is required, the Caveat Section shall endorse thereupon by way of Caveat-clearance through Computer Section either that no Caveat has been filed or if a Caveat has been filed, the particulars of the Caveat and the Caveator.

(2) Every application for any interim relief or stay in a proceeding shall be supported by a statement of the applicant stating that no notice of lodging a caveat by the

opposite party is received by him or if notice of caveat is received whether the applicant has furnished the copies of the application, together with copies of the annexure which have been filed or may be filed in support of the application, to the caveator.

144. (1) At the time the matter is listed in the Court and if the caveat has been filed, the name of the counsel for the Caveator or of the Caveator if the caveat has been filed in person, shall be shown in the cause list.

(2) Where a caveat has been lodged under these rules, such caveat shall remain in force for a period of 90 days.

145. (1) Save as otherwise provided, applications for interim relief or stay in any Presentation, of any kind whatsoever, shall not be considered by the Court unless the same is accompanied by a Caveat-clearance certificate issued by the Registry of the Court or, if a Caveat has been filed by a party, without notice upon the Caveator supplied with a copy of the Presentation.

(2) Where it appears to the Court that the object of granting ad-interim relief on the application would be defeated by delay, it may record reasons for such opinion and grant ad-interim relief on the application till the next date of hearing, to be made absolute after giving the caveator an opportunity of being heard.

CHAPTER-X

ROSTER AND LISTING

A: ROSTER

146. The Judges shall sit singly or in Benches of two or more and dispose of the matters in accordance with a roster approved by the Chief Justice. The roster shall be prepared by the Registrar (Judicial) in accordance with instructions given by the Chief Justice. On approval a copy of the roster shall be supplied to all Judges, Advocate General and to the Bar Association.

B: CAUSE LIST AND MISC. INSTRUCTIONS

147. **LIST OF READY MATTERS FOR FINAL HEARING:-**

(1) List of final hearing matters as well as the daily list of matters shall be prepared, category-wise, as per the roster and orders/ directions given by the Chief Justice from time to time.

(2) Two weeks before re-opening of the Court after summer vacation, the Registry shall prepare and publish a category-wise **quarterly list** of ready matters (civil and criminal) for final hearing in chronological order i.e. in order of date and year of registration, and a separate register for all these ready matters shall be prepared, and the same shall be entered in the Computer. Out of this quarterly list of ready matters, the Registry shall prepare and publish a **weekly list** of matters on Saturday in chronological order which are to be listed before different Benches during the commencing week and the same shall be distributed amongst the Bar and Advocate General's office, and shall

also be displayed on the Notice Board of the Court. If any matter is disposed out of this weekly list in a particular week, then other matters shall be included in place of the disposed of matters from the quarterly list, maintaining the chronology.

148. Two weeks before the end of every quarter i.e. by 15th September/15th December/15th March, subsequent quarterly list of regular hearing matters shall be prepared and published by the Registry by deleting the disposed of matters and adjourned matters of the existing quarterly list, and in the next quarterly list such number of matters shall be added as directed by the Chief Justice or the other matters which are adjourned for that quarter.

149. **CRIMINAL APPEALS IN WHICH ACCUSED PERSONS ARE IN JAIL: -**

A separate list of ready matters of DB criminal appeals as well as Single Bench criminal appeals shall be prepared in descending order of period of the detention of accused persons i.e. the appeal of those accused persons shall be listed on higher side who are in jail for longer period under the heading 'Appeals in which accused persons are in jail.'

150. **DAILY LIST: -**

The daily list shall be prepared in the following manner: -

Two days in advance of the date of hearing, daily list of motion hearing matters, category-wise, as per the category list annexed with these Rules shall be prepared by the Registry out of the fresh registered matters up to that date, and those matters shall be listed according to the roster.

Note: - (1) A matter shall be treated as fresh matter till the matter is admitted or notice is directed.

(2) If a matter is admitted then same shall be treated as final hearing matter.

151. The daily list shall be issued in the following order:-

(1) Fresh cases.

(2) Cases for orders on Interlocutory applications.

(3) Overnight part heard cases.

(4) After notice cases.

(5) Final disposal cases.

(6) Final hearing cases.

Provided that, as and when cases are left over from the previous day's list, it shall be deemed to be on the top of the list, unless otherwise directed by the Court.

152. **SUPPLEMENTARY LIST**: - If after issuance of daily list two days in advance, any matter requires hearing and is directed to be listed on urgent basis as per the directions of the Chief Justice or the concerned Bench, as the case may be, a supplementary list of such matters shall be prepared and issued on the previous day of hearing.

153. Part heard matters shall be included in the daily list just after the matters for orders on interlocutory applications, unless otherwise directed by the Court.

154. **EARLY HEARING OF REGULAR MATTERS:-**

If any party desires for early hearing of a regular matter, then he shall be required to file an application for early hearing and that application shall be listed before the Chief Justice in Chamber for direction. The Chief Justice may assign the work of disposal of early hearing application to the concerned Bench as per the Roster.

155. (1) At the conclusion of a motion hearing the Court Reader shall send the case to the Registry:

Provided that in a case where the Court has ordered stay of execution or granted an order for bail, the Court Reader shall, immediately after the hearing of the case in which such order is passed and before sending the case to the Registry, prepare a copy of the order granting the stay of execution or bail and shall send the same to the concerned section for compliance.

(2) The Court Reader shall record result of the day in two cause lists to be maintained by him; one for the Court's Record and other to be made over to the Listing Branch. Further, at the end of the day, the Court Reader shall send the file to the concerned Branch for their compliance and in turn, the Section Officer of the concerned Branch shall send, by the next day, the files in which fixed date or where rule is made returnable, to the cause list branch for noting the same for the purpose of future listing and the Listing Branch shall update the Computer system accordingly.

(3) A copy of an order granting stay of execution or bail shall be issued to the concerned Subordinate Court by the Registry and the envelope in which it is contained shall be marked "Immediate-Order for Bail or Immediate-Order of stay of Execution," as the case may be, in red ink.

156. Same pattern shall also be followed in the matters of Division Bench.

157. The Registrar (Judicial) may postpone a matter;

(1) if two days before the date of hearing the record has not been received or the matter is otherwise incomplete. However, as soon as the record is

received and the matter becomes ready for hearing then same shall be included in the list at its original number. On such adjournment the Registrar (Judicial) shall take necessary steps to get the matter ready for listing, and if within a period of one month the Registry is not able to get the matter ready for listing then the matter shall be listed before the Court with an office report for direction;

(2) if before the date of hearing, death of a party is announced and thereby adjournment is necessitated; on such adjournment the Registry shall initiate appropriate action in the matter in order to get the matter ready for listing;

(3) if before two days of hearing counsel for the parties agree for adjustment on account of some difficulty, then the adjustment be made and next date of hearing shall be given by the Registrar (Judicial) according to the convenience of the parties:

However, at the time of adjournment if the Registrar (Judicial) finds that the matter is being adjourned time and again, or the adjournment is unnecessary then he will be entitled to refuse the same.

158. **Case Flow Management Rules in the High Court: -**

Division of Cases into different tracks:

(1) **Writ Petitions:**

(i) The High Court shall, at the stage of admission or issuing notice before admission categorize the Writ Petitions other than Writ of Habeas Corpus, into three categories depending on the urgency with which the matter should be dealt with: the Fast Track, the Normal Track and the Slow Track. The petitions in the Fast Track shall invariably be disposed of within a period not exceeding six

months while the petitions in the Normal Track should not take longer than a year. The petitions in the Slow Track, subject to the pendency of other cases in the Court, should ordinarily be disposed of within a period of two years.

(ii) Where an interim order of stay or injunction is granted in respect of a liability to tax or demolition or eviction from public premises etc. then such a case shall be put on the fast track. Similarly, all matters involving tenders would also be put on the Fast Track.

(2) The Registrar (Judicial) or any other officer nominated by the Chief Justice, shall at monthly intervals, monitor the stage of each case likely to come up for hearing before each Bench (Division Bench or Single Judge) during that month which have been allocated to the different tracks. The details shall be placed before the Chief Justice or Committee nominated for that purpose as well as the concerned Judge dealing with cases.

(3) The Chief Justice or the Committee may shift the case from one track to another, depending upon the complexity, urgency and other circumstances of the case.

(4) Data will be fed into the computer in such a manner that the court or judge or judges, referred to in sub-rule (2) above will be able to ascertain the position and stage of every case in every track from the computer screen.

(5) Whenever the roster changes, the judge concerned who is dealing with final matters shall keep himself informed about the stage of the cases in various tracks listed before him during every week, with a view to see that the cases are taken up early.

(6) **Writ of Habeas Corpus**: - Notices in respect of Writ of Habeas Corpus, where the person is in custody under orders of a State Government or Central Government, shall invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. The State Government or Central Government may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed return to the Writ is necessary, and, if so required, shall give further time of a week for filing of the return, and further three days' time for filing a rejoinder. A Writ of Habeas Corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above the fast-track cases.

(7) **Other matters**: Civil Appeals and other matters in the High Court shall also be divided into different tracks on the lines indicated in sub-rules (1) to (5) above and the said provisions shall apply, *mutatis mutandis*, to the civil appeals filed in the High Court. The High Court shall make a subject-wise division of the appeals/revision applications for allocation into different tracks.

(8) **Mode of Advance Service**: The mode of advance service provided in these rules shall apply, *mutatis mutandis*, together with directions contained in the practice directions issued by the Chief Justice for case flow management.

(9) **First Appeals to High Court:**

(i) **Service of Notice of Appeal**: In addition to the process for normal service as per the Code of Civil Procedure, advance notice should simultaneously be given by the counsel for the party who is

proposing to file the appeal, to the counsel for the opposite party in the Trial Court itself so as to enable them to inform the parties to appear if they so choose even at the first hearing stage.

(ii) **Filing of Documents:** The Appellant shall, on the appeal being admitted, file all the essential papers within such period as may be fixed by the High Court for the purpose of the High Court understanding the scope of the dispute and for the purpose of passing interlocutory orders.

(iii) **Printing or typing of Paper Book:** Subject to the order passed by the Court, printing and preparation of paper-books shall normally be done by the parties. After service of notice is effected, counsel for both sides should agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter the paper book shall be got ready. It must be assured that the paper books are ready at least three months in advance before the appeal is taken up for arguments. Cause lists must specify if paper books have been filed or not.

(iv) **Filing of Written Submissions and time for oral arguments:**

(a) Both the appellants and the respondents shall be required to submit their written submissions with all the relevant pages as per the Court paper-book marked therein within a month of preparation of such paper-books, referred to in para (iii) above.

(b) Cause list may indicate if written submissions have been filed. If not, the Court must direct that they be filed immediately.

(c) After the written submissions are filed, (with due service of copy to the other side) the matter should be listed before the Registrar (Judicial) for the parties to indicate the approximate time that will be taken for arguments in the appeal. Alternatively, such matters may be listed in the Court for deciding the approximate time duration and thereafter to fix a date of hearing on a clear date when the requisite extent of time will be available.

(d) In the event that the matter is likely to take a day or more, the High Court may consider having a Caution List/Alternative List to meet eventualities where a case gets adjourned due to unavoidable reasons or does not go on before a court, and those cases may be listed before a court where, for one reason or another the scheduled cases are not taken up for hearing.

(v) **Court may explore possibility of settlement:**

(a) At the first hearing of a First Appeal when both parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable, even at that stage for mediation or conciliation, the High Court may make a reference to mediation or conciliation for the said purpose.

(b) If necessary, the process contemplated by Section 89 of CPC may be resorted to by the Appellate Court so that the hearing of the appeal is not unnecessarily delayed. Whichever is the

ADR process adopted, the Court should fix a date for a report on the ADR two months from the date of reference.

(10) **Writ Appeals**: An appeal to a Division Bench from judgment of a Single Judge if provided under any statute or Letters Patent may lie in the following cases:

(i) (a) Appeals from interlocutory orders of the Single Judge in original jurisdiction matters including writs;

(b) Appeals from final judgments of a Single Judge in original jurisdiction;

(c) Other appeals permitted by any law to a Division Bench.

(ii) Appeals against interlocutory orders falling under category (i) (a) above should be invariably filed after advance notice to the opposite counsel (who has appeared before the Single Judge) so that both the sides will be represented at the very first hearing of the appeals. If both parties appear at the first hearing, there is no need to serve the opposite side by normal process and at least in some cases, the appeals against interlocutory orders can be disposed of even at the first hearing. If, for any reason, this is not practicable, such appeals against interim orders should be disposed of within a period of a month.

(iii) In cases referred to above, necessary documents should be kept ready by the counsel to enable the Court to dispose of the appeal against interlocutory matter at the first hearing itself.

(iv) In all Appeals against interim orders in the High Court, in writs or civil matters, the Court should endeavour to set down and observe a strict time limit in regard to oral arguments. In case of Original

Side appeals arising out of final orders in a Writ Petition or arising out of civil suits filed in the High Court, a flexible time schedule may be followed.

(v) The practice direction in regard to First Appeal should *mutatis mutandis* apply in respect of Original Side appeals against final judgments of the Single Judge.

(vi) Writ Appeals arising from orders of the Single Judge in a Writ Petition should be filed with simultaneous service on the counsel for the opposite party who had appeared before the Single Judge or on the opposite party.

(11) **Second Appeals:** Even at the stage of admission, the proposed questions of law with a brief synopsis and written submissions on each of the propositions should be filed so as to enable the Court to consider whether there is a substantial question of law. Wherever the Court is inclined to entertain the appeal, apart from normal procedure for service as per rules, advance notice shall be given to the counsel who had appeared in the first appellate Court. The notice should require the respondents to file their written submissions within a period of eight weeks from service of notice. Efforts should be made to complete the hearing of the Second Appeals within a period of six months.

(12) **Civil Revisions:** A revision petition may be filed under Section 115 of the Code or under any special statute. The provisions of case flow management rules in regard to Writ Appeals and First Appeals to the High Court, shall mutatis mutandis apply in respect of revision petitions.

(13) Criminal Appeals:

(i) Criminal Appeals should be classified based on offence, sentence and whether the accused is on bail or in jail. Capital punishment cases, rape, sexual offences, dowry death cases should be kept in Track I. Other cases where the accused is not granted bail and is in jail should be kept in Track II. Cases which affect a large number of persons such as cases of mass cheating, economic offences, illicit liquor tragedy, food adulteration cases, offences of sensitive nature should be kept in Track III. Offences which are tried by special courts such as POTA, TADA, NDPS, Prevention of Corruption Act, etc. should be kept in Track IV. Track V – all other offences.

(ii) The endeavour should be to complete Track I cases within a period of six months, Track II cases within nine months, Track III cases within a year, Track IV and Track V cases within fifteen months.

(iii) Wherever an appeal is filed by a person in jail, and also when appeals are filed by State, the complete paper-books including the evidence, should be filed by the State within such period as may be fixed by the Court.

(iv) In appeals against acquittals, steps for appointment of *amicus curiae* or State Legal Aid counsel in respect of the accused who do not have a lawyer of their own should be undertaken by the Registry/(State Legal Services Committee) immediately after

completion of four weeks of service of notice. It shall be presumed that in such an event the accused is not in a position to appoint counsel, and within two weeks thereafter counsel shall be appointed and shall be furnished with all the papers.

(14) **Issuance of practice directions**: The Chief Justice may, from time to time, issue practice directions for effective implementation of case flow management rules by categorizing matters into Fast Track, Normal Track and Slow Track as well as Track-I, Track-II etc., and for shifting the case from one track to another depending upon the urgency, importance and other relevant aspects of the matters.

(15) **Code/Statute to prevail**: Wherever there is any inconsistency between these rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 or any other statute, the provisions of such Codes and statutes shall prevail.

CHAPTER-XI

NOTICE, PROCESS FEE AND NOTICE OF PROCEEDING TO ADVOCATE GENERAL

A: PROCESSES AND PROCESS FEE

159. Whenever notice is ordered to be issued to any party at the expense of any other party, the latter shall pay the necessary process fees within the time stated in the order, or if no such time stated, within 15 days and shall, at the same time supply as many copies of the Presentation along with annexures and affidavit filed in support thereof and in case of second appeal the substantial question(s) of law on which the same is admitted as there are persons to be served:

Provided that the time requisite for obtaining a certified copy of the order sheet containing the substantial question(s) of law on which a second appeal is admitted, will be further available for supplying copies thereof along with process fees.

160. If the process fees are not paid by the due date or if the necessary documents are not filed, the case shall be forwarded forthwith by the Section Officer to the Registrar (Judicial) who may, in his discretion either require a written stamped application for the extension of time to be made, or grant further time for depositing the process-fees or filing the documents without requiring the making of a written application or may direct that the proceedings be placed forthwith before the appropriate Bench for orders. All orders dealing with the service of notices shall be recorded in the order sheet.

161. (1) Process fees must be paid in Court fee stamps and not in cash. The

stamps must be affixed to a memorandum to be written on a sheet of paper. The memorandum shall state the number and class of the proceeding, the value of the claim in appeal, the value of the Court-fee stamp attached, details of the processes to be issued, and particulars and full address of the parties on whom the notices are to be served. If the address so given is registered address within the meaning of Order VII, Rule 19 and Order VIII, Rule 11 of the Code of Civil Procedure, the letters "R.A." shall be placed before the address.

(2) If the memorandum be an application for issue of a process, it must, in addition to the requisite stamp for the process fee, bear such stamp as are necessary for its own validity.

(3) The receiving official should acknowledge submission of process fee on the duplicate form, after verifying that the Presentations etc. presented with the process fee are in order.

162. The Registrar (Judicial), having regard to the state of the file, and other relevant factors shall fix the date to be entered in notices to respondents at the earliest possible date of hearing, if while issuing notices no date has been fixed by the Court.

163. (1) A fee of Rs.5/- (Rupees Five Only) per notice shall be charged for serving and executing process of all nature as directed by the Court. In cases where processes have to be transmitted by Registered Post Acknowledgement Due/Speed Post/Courier Service, approved by the High Court, the actual sum payable for such transmission through Registered Post Acknowledgement Due/Speed Post/Courier Service/fax message or by electronic mail service or by any other means as may be provided shall be

paid in form of envelope containing postal stamps of the requisite value or the charges in cash likely to be incurred for sending through courier service, fax or electronic mail service etc.

(2) In every case in which personal or substituted service of a summons or notice is required to be served, the following fee shall be charged for serving and executing the several processes against which they are severally ranged, in respect of each person:

(i)	in appeals and revision not exceeding Rs.10,000/- in value	Rs.5.00
(ii)	in appeals and revisions exceeding Rs.10,000/- in value.	Rs.7.00

Note:- When service on several persons residing in the same village or in the same ward of a municipality or cantonment is required, and the processes are applied for at the same time for each person after the first. Rs.2.00

164. Notwithstanding foregoing no fee shall be charged for serving :

(1) any process which may be issued by the Court of its own motion solely for the purpose of taking cognizance of and punishing any act done for words spoken in contempt of its authority;

(2) any process issued a second time in consequence of a mistake for which the Court or any of its officers is responsible or in consequence of an adjournment made otherwise than at the instance of a party;

(3) any copy of a summons, notice or order affixed in a Court-house or in the office of a Collector.

165. Process fee for service or execution of any process or warrant etc. not specified in these rules shall also be charged at the rate of Rs.10/- (Rs. Ten Only) per noticee.

B: OTHER FEES

166. The following fees shall be charged on every application made in respect of the following matters and such fees shall be paid by means of Court fee stamps affixed to such application :--

S.No.	Particulars	Rs. P.
(1)	For every search in the offices, record-rooms, books or registers of the Court.	05.00
(2)	On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one: Provided that this does not authorize an applicant to ask in a single application for copies of more than one paper, if required in more than one case. There must be a separate application, and therefore a separate stamp, for each case.	05.00
(3)	For verifying any petition by solemn affirmation or on Oath, or for swearing or affirming every affidavit, intended to be used in the High Court.	05.00

Note 1. The Advocate General, the Superintendent, and Remembrancer (Secretary) of Legal Affairs for the State of Chhattisgarh and the Law Reporter to the Government are exempted from the payment of the searching fees referred above.

Note 2. Where the fee for swearing or affirming an affidavit has been levied no fees shall be levied for filing the same, provided that this exemption shall not apply to the fee payable in original suits for filing documents, annexed to affidavits.

Note 3. Fees for taking affidavits or affirmations: Fees to be allowed to the Commissioner for Oaths and Affidavits deputed by the Registrar or the Office authorized for the purpose or the Court for taking affidavit or affirmation at the house of a party or any other place other than the Court-House, shall be as follows:-

For the first affidavit, oath or affirmation within a distance of 5 Kms. from the Court- House.	Rs.10.00
For the first affidavit, oath or affirmation beyond a distance of 5 Kms. from the Court-House.	Rs.15.00
For every affidavit, oath or affirmation taken at the same time and place after the first, in the same suit, appeal or matter.	Rs.05.00

In no case shall the Commissioner for Oath and Affidavits be allowed, for taking any number of affidavits, oaths and affirmations at the same time and place, more than Rs.100/- (Rs. One Hundred Only), where such place is within a distance of 5 Kms. from the Court-House, or more than Rs.150/- (Rs. One Hundred Fifty Only), where such place is beyond the said limit.

(4) For inspection of lower Court's records received in connection with appeals and revisions, and records of the disposed of cases in the High Court.

(i)	If the application is by a party to the suit.	05.00
(ii)	If the application is not by a party to the suit	10.00
(iii)	If the application is for immediate inspection by a party to the suit.	15.00

Note No fee shall be charged for inspection of criminal records.

(5) (i) For inspection of records of cases pending in the High Court.:

(a) If the application is for ordinary inspection 5.00

(b) If the application is for urgent inspection 10.00

C: SERVICE OF NOTICE UPON PARTIES

167. Ordinarily all notices shall be served through Registered Post, Speed Post, Courier service as may be approved by the High Court or such other means as the Court may, from time to time, direct.

168. The Court may, in any particular case, keeping in view the emergent nature of the case, direct that a notice may be served upon a party through FAX, E-Mail, humdast, etc., in addition to the aforesaid modes.

169. Whenever a notice is served upon anyone by a party, (by way of humdast) and not through the Court, invariably the party serving the notice shall file an affidavit in the Court in support of the fact that the notice has been served upon the person for whom it was meant. Along with the affidavit for service, the party serving the notice shall file acknowledgement in proof of such service.

170. Affidavit of humdast service should be filed either by the party himself or his *parokar* or through the authorized clerk of the Advocate of the party.

171. Notices meant for all Central and State Government Department, Public

Officers, Organizations belonging to Central or State Governments or such Authorities as are covered by Article 12 of the Constitution of India, and whose offices or places of work are situated in the State of Chhattisgarh shall ordinarily be served upon them by the party directly in the manner hereinabove prescribed. Only in exceptional and rare cases, notices upon these Government Departments or Public Offices etc. shall be served through the agency of the Court.

172. If the notice is required to be served upon a party by the Court, the Court may either serve it by post or depute a Special Process Server for this purpose, or the Court may also send notice to the District Judge of the district in which the service is required to be effected. Every District Judge who receives such a notice shall ensure that it is served through a Process Server detailed for this purpose and that the service is effected, complete in all respects, and the service report is sent to the Court within the time stipulated in the communication issued by the Court.

173. After computerization of the Court system, all routine notices will be prepared automatically from the Computer system as per the formats of various notices and other details fed in the computer for generation of notices.

D: NOTICE OF PROCEEDING TO ADVOCATE GENERAL

174. The Court may direct notice of any proceedings to be given to the Advocate General who may appear and take such part in the proceedings as he may be advised.

175. The Advocate General of the State may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the interest of justice so requires, permit the Advocate General to appear and be heard.

CHAPTER-XII

PAPER BOOKS

176. In all matters to be heard by Division Benches or Larger Benches, it shall be mandatory that paper books are prepared before the hearing. The filing of paper books being compulsory, no matter before a Division Bench or Larger Bench shall be heard without paper books:

Provided that in rare and exceptional cases, the Bench seized of a matter may dispense with the requirement of filing the paper book;

Provided also that in any other matter, if in the opinion of the Court, paper book is required to be prepared, the Court may direct preparation of paper book either by one of the parties or by the Registry.

177. All paper books, except in criminal matters, unless there is any order to the contrary passed by the Court or the Registrar (Judicial), shall be prepared by the appellant / petitioner / applicant:

Provided that a respondent/non-applicant within 30 days after service upon him of the notice, or with the permission of the Court or the Registrar (Judicial), may file another set of paper books enclosing papers, other than those inserted in the paper book of the appellant/petitioner/applicant to which such respondent/non-applicant desires that a reference shall be made by the Court at the hearing of the appeal.

Explanation- The paper-book means and includes the whole of the papers included in the Appellant's and Respondent's paper-book.

178. All the paper books shall be neatly typed, or printed and shall conform with the

following requirements :--

(1) The size shall be of foolscap in folio.

(2) The type used in text shall be pica modern, solid, with italics where necessary, but long primer shall be used in printing accounts, tabular matter and notes.

(3) Every tenth line on each page shall be numbered, i.e. the tenth line shall be numbered 10, the twentieth line 20 and so on.

179. (1) In all paper books, unless there is an order to the contrary of the Court or the Registrar (Judicial), whether prepared by the office of the Court or by the parties, papers in Hindi in Devanagari or any other script shall be printed or typed, as the case may be, in Hindi in Devanagari or such other script. Paper in vernacular other than Hindi may be translated in English before being included in the paper books:

Provided that if at the time of hearing or even before, it is considered necessary to have all or any of the vernacular papers in the paper books translated into English, the required translation and their typing shall be done in the office of the Court or by any of the parties as directed by the Court and the cost thereof, both the translation and typing, shall, unless otherwise directed by the Court, be borne by the party at whose instance the paper has been included in paper books.

(2) The paper-books shall consist of three parts. Part I shall contain pleadings and depositions of witness, issues framed, judgments, decrees, and miscellaneous papers, if any, of the Court(s) below. Part II shall contain the record of proceedings in the High Court and Part

III shall contain the exhibits and documents. Documents in Parts I and II shall be in chronological order. The headings of the Hindi documents will be in Hindi. To every paper-book, and if it is in more than one volume to each volume, shall be prefixed a table of contents in English with references to pages. The table of contents of Part III shall follow the order of exhibit marks and shall be arranged as far as possible in chronological order, each document showing its exhibit mark whether it is a plaintiff's or defendant's document, and in all cases document relating to the same matter, such as (a) a series of correspondence, or (b) proceeding in a suit other than the one under appeal, shall be kept together.

180. Every paper book shall have attached to it a fly leaf in the prescribed form.

181. The paper book shall contain the following papers/documents :-

(1) Memorandum of Appeal/Petition;

(2) All the pleadings of all the parties;

(3) Issues and documents;

(4) Evidence of the parties, depositions as well as documentary;

(5) Copies of the Judgments and decrees of the Courts below and all other papers/documents relevant and material for the disposal of the Appeal/Petition.

Explanation- The paper-books filed in any other case shall always contain all the papers as were in the proceedings before the Court/ Tribunal whose order is under challenge.

182. In respect of the paper-books to be prepared by the Court where either of the parties would be required to defray the costs, the Registrar (Judicial) from time

to time shall notify the cost structure in respect of the paper books which shall always be paid by the parties accordingly.

183. Such number of copies of paper-books shall be filed in every case as would meet the requirement of the Bench as well as the parties.

184. All pages of paper-books shall be true copies of their originals and a certificate of the party concerned or of the Advocate to that effect shall always be appended in the Paper-Book at its beginning.

185. In case of failure of the party responsible for filing paper-book, the matter shall be listed before the Bench for final orders and the Bench may pass appropriate orders.

186. Any party will always be at liberty to apply for making any corrections in the paper-books or for filing supplementary paper-books.

CHAPTER-XIII

JUDGMENT AND DECREE

187. (1) Reserved judgments may ordinarily be pronounced within two months of the conclusion of the hearing.

(2) On noticing that after conclusion of the hearing the judgment is not pronounced within a period of two months, the Chief Justice shall draw the attention of the Bench concerned to the pending matter.

(3) Where a judgment is not pronounced within a period of three months from the date of reserving it, any of the parties in the case is permitted to file an application in the Court with a prayer for an early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two weeks excluding the intervening holidays.

(4) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties to the lis shall be entitled to move an application before the Chief Justice for appropriate orders. It would be open for the Chief Justice to grant the said prayer or to pass any order as he deems fit in the circumstances.

188. Every judgment, which is ready for signature or has been pronounced, shall be available for inspection in the Court room by parties and counsels appearing in the case. The judgment shall be signed at the close of the sitting of Court on the day following that on which the judgment or order is placed

on the Reader's table for inspection. At any time before signature a party to the case or his counsel may appear and ask for correction of clerical mistakes and omissions. Unless a party or counsel request to the contrary a judgment or order shall be pronounced by announcement of the result without reading the full text. The judgment or order shall bear the date of the day of signature. If such Judge(s) has ceased to be a Judge(s) of the Court, or is on long leave, then the matter shall be placed for correction before such Judge(s) as the Chief Justice may appoint for that purpose.

189. The Court Reader shall exhibit outside the Court Room a list of judgments or orders pending on his table under the above rule and shall renew the list daily.

190. The Court Reader shall also notify daily on the board in the tabular form given below the result of civil and criminal cases, decided by the Judge(s).

Table showing Cases decided

On .... by the Single Bench presided over by the Hon'ble Mr. Justice ..../ Division Bench consisting of Hon'ble Mr. Justice .... and Hon'ble Mr. Justice ....

No. and class of the case	Name of Parties	District from which case arose	Result in brief	Remarks
1	2	3	4	5

In Criminal appeals and revisions the main section will be mentioned in the remarks column.

191. When an order of remand or reference is made the record shall be at once forwarded to the Court which has to obey the order.

192. Decrees shall be drawn up in English. The Decree shall be prepared by the Court Reader and submitted to the Registrar (Judicial) within seven days of the delivery of judgment or order on which it is founded. The legal practitioner's fee shall be included in the costs in consonance with Part VI Chapter XXIV of Chhattisgarh Civil Court Rules, 1961. The Registrar (Judicial) shall after making such correction as he deems necessary exhibit a notice on the notice board that the decree has been drawn up and that any party to the decree or his advocate may within three days peruse the decree and sign it before the Registrar (Judicial) or move a written objection (which need not bear a Court fee stamp) that the decree is not in accordance with the judgment or order upon which it is founded. The Registrar (Judicial) may, on perusal of such statement, hear the party or his advocate and may correct the decree or over-rule the objection or may refer the matter to the Court for orders.

193. The Registrar (Judicial) shall cause the Court-seal to be affixed to all decrees and shall sign them, dating them with the date of pronouncement of judgment.

194. Under no circumstances shall any decree or order passed or made by a Judge(s) be altered, varied or parted from in any particular, in the office except under any order in writing of the Judge(s) who passed or made such decree or order, or except under an order made on appeal from such decree or order, or except under an order made upon an application.

195. Where any judgment or order of any Judge(s) of the Court contains any recommendation for the alteration of the procedure in this Court or recommends to or suggests for the consideration of Government any alteration in law or in rules having the force of law, such judgment shall immediately after delivery be submitted to the Chief Justice.

196. Copies of all decrees or final orders passed in pauper suits or appeals shall be transmitted without delay to the Collector of the District in which the Court passing the original decree is situated, to enable him to recover Court-fee or to apply for orders for payment of Court-fee.

197. (1) Spare copies of judgments or order shall be prepared in accordance with the statement below :--

Class of cases	**Number of spare copies**
All civil appeals and revisions	3
Criminal appeals in Session cases in which death sentence has been confirmed	5
Criminal appeals in other Session cases	4
Criminal revisions from the decision of, or reference by, Sessions or Additional Sessions Judge	4
Criminal appeals and revision from decisions of Magistrates and reference by District Magistrate	2
Writ Petitions	4

(2) One spare copy each will be supplied to the Judges' Library, the High Court Bar Association and the other copies to the lower Courts. In unsuccessful appeals from a sentence of death one copy of the appellate judgment, will be supplied to Government along with the record. One of the copies meant for the lower Court will, in the first instance, be sent for the perusal of the Editor, Indian Law Reports Bilaspur series and similarly one copy in all criminal cases will be sent for the perusal of the Advocate General.

(3) In the case of Writ Petitions under Article 226 of the Constitution of

India, spare copies will be supplied one each to the Judges' Library, the High Court Bar Association, Editor Indian Law Reports Bilaspur series, Secretary to the Government of Chhattisgarh Law Department, the Advocate General, Chhattisgarh. Two copies shall also be supplied to the Secretary to the Government of India, Ministry of Home Affairs, under intimation to the Secretary to the Government of Chhattisgarh, Law Department.

(4) (i) A copy of each judgment or order on service matter relating to recruitment or promotion may be supplied to the Secretary, Public Service Commission, Chhattisgarh.

(ii) One copy may be supplied to the Officer on Special Duty, Parliament Secretariat, Parliament House, in matters pertaining to the provision of the Constitution of India or Laws made thereunder.

(iii) One copy may be supplied to the Secretary, Election Commission of India in matters relating to elections and election petitions.

CHAPTER-XIV

INFORMATION, INSPECTION OF RECORDS AND ISSUANCE OF COPIES

198. One searching fee shall be charged for any number of copies taken from the same record and included in the same application, and no searching fee shall be charged in respect of copies of papers from records of pending cases or of Judgments.

199. (1) The Chief Justice shall nominate an Officer in the rank of Registrar or Additional Registrar or Deputy Registrar to be designated as In-charge Copying Section. It shall be the responsibility of the Officer-in-charge of the Copying Section, to over-see, supervise, and monitor all functions and activities in the Copying Section. All Officials working in the Copying Section shall be accountable and responsible to the Officer-in-charge of the Copying Section.

(2) One or more Officials shall be designated as Copying Officers in terms of Section 76 of the Evidence Act. It shall be their duty to issue, under their signature, certified copies in accordance with these Rules and their digital signatures shall also be preserved for issuance of soft copies of the order/judgment digitally signed through Computer.

(3) Invariably, all certified copies shall be prepared through Photo Copiers. Only in such cases where technically it is not feasible or for any other reason it is either not feasible or not practicable or not desirable, copies shall be prepared through means other than Photo Copier, either by type-written method or otherwise, but only with the prior written permission of the Officer-in-charge of the Copying Section.

CERTIFIED COPIES

200. (1) A party to a proceeding in the High Court shall be entitled to apply for and receive certified copies of all pleadings, judgments, decrees or orders and all original documents and deposition of witnesses made or exhibited in the said proceeding.

(2) A person who is not a party to a proceeding may be granted certified copy of record(s) only if the Registrar (Judicial) is satisfied about the sufficiency and bonafides of the grounds or reasons on which the applicant requires the copy. Every application made by such person shall be accompanied by the affidavit of such person specifying the grounds or reasons on which the copy is required.

(3) A general order may be made by the Registrar (Judicial) for issue of copies of judgments and orders to representatives of law reports and news magazines.

201. Application for copies may be presented in person or by a duly engaged Advocate or may be sent by post to the In-charge of the Copying Section, High Court of Chhattisgarh, Bilaspur.

202. Copies of more than one document in the same record of any case may be applied for in one application.

203. Application for copy shall be made in prescribed form giving details of the cause title, case number, name of the Judge who has passed the order/judgment, date of the order/judgment or decree, etc., and shall be signed by the applicant or his counsel.

204. Every application shall be accompanied by an advance amount towards copying fee, as specified from time to time, in the form of copying stamp

affixed on the application and/or in such other manner as may be specified from time to time, which would be sufficient to cover the estimated cost of the copy applied for and the amount of the Court fee stamps, if any, required under the Rules, or any other law for the time being in force. Where the copy applied for requires a non judicial stamp under the Stamp Act, 1899, the application shall be accompanied by the requisite non judicial stamp. In the case of an application sent by post, the advance shall be remitted by money order.

205. An application received by post before the arrival of the connected advance shall not be registered or acted upon until receipt of the advance. Should an advance be received before the connected application, it shall forthwith be deposited as copying advance in abeyance. If no connected application is received within thirty days, the In-charge of the Copying Section shall cause it to be remitted back to the sender at his expense.

206. (1) Charges for preparation of copies (otherwise than by photocopying) shall be calculated per folio. A folio means a group of 175 words. If the entire text or the remainder after folios of 175 words each, to be copied, is of less than 175 words, the said text or remainder as the case may be, shall be treated as one folio. In case of photocopy a folio shall be equal to one page of the text to be copied.

(2) For counting the words each initial prefixed to any name or used as abbreviation, shall be counted as one word. If a figure is used, all figures used as a single group shall be counted as one word. For example in 1492/93 there is one group of 1492 and another of 93, and therefore, it would be counted as two words.

(3) In case of maps, plans or drawing, the charges shall be same as actually incurred in making the copy.

207. Application for copies shall be received at the counter(s) in Copying Section.

208. Every application submitted at the counter shall be first scrutinized by the counter clerk to whom it is submitted and if he finds any apparent mistake or defect or shortcoming. he shall point the same to the person presenting it and shall receive the application only after the defect is duly removed. mistake rectified and the shortcoming made good, as the case may be.

209. The applications received at the counter, shall be distributed to the Dealing Assistants. Before preparation of copy, the applications shall be carefully scrutinized. If no defect is found in the applications on scrutiny, the date of its receipt with the initials of concerning Dealing Assistants shall be endorsed on its top left hand corner.

210. The defect including that of shortage of fee, if any, found on scrutiny, unless enquired into and cured shall be notified periodically by way of a list of such defective applications, giving the numbers assigned to those applications and by displaying such list on the notice board meant for the same. If the defect is not cured within next ten days of such notification of the defective application, the In-charge of the Copying Section shall notify the application for return to the applicant or his counsel, at his expense along with charges deposited, if any. In case. the applicant or his Counsel fails to take it back. it shall be lodged by the Registrar (Judicial).

211. Every application received for copying shall be duly registered and given a number and a receipt of submission shall be issued. Every such receipt shall show that number and also the date on which the copy is supposed to be ready.

In case, the copy is not ready on that date, a fresh date shall be given which shall be mentioned on the receipt.

212. The copy of a judgment or order required by any Law Reporter approved by the Chief Justice may be supplied on such terms and conditions as may be deemed fit, keeping in view the feasibility of issuing necessary copies in time at concessional rates.

213. The application for copy shall be received on all working days. The timing for receiving such application shall be from 10.00 AM to 12.00 Noon and from 2.30 PM to 3.30 PM. The timing for issue of copies shall be from 12.00 Noon to 1.30 PM and from 3.30 PM to 5.00 PM.

214. The copy issued shall not contain copy of the signature of the Judges.

Note- In cases where copies are required of signed judgments or orders etc., the original signed orders shall remain in the file concerned and a copy thereof, duly signed in the margin by the Court Reader shall be sent to the copying Section, and copies applied for shall be issued from such copies.

215. **Digitally signed Certified Copy:-**

Any order/judgment that is typed out from any Court Room and also the judgments/orders typed out by the Stenographers using the Word Processor will be automatically available on the main system. After verification and signing of the judgment by the Judge, the Stenographer will transfer all the judgments/orders signed on that day to the Central Server System using the File Transfer Protocol Software. The computer system installed in the Copying Section will be used for generation of printouts of the orders/judgments as copies of the order for information of litigants. Soft copies of the order/ judgment shall be digitally signed using the digital signature of an Officer specifically designated for the purpose. These digitally

signed orders/judgments, which are available on electronic media, can be used as certified copies.

216. On every copy the following dates shall be entered:-

(1) Application received on ____________

(2) Applicant told to appear on ____________

(3) Applicant appeared on ____________

(4) Application (with or without further or correct particulars) sent to Record Room on ________

(5) Application received from Record Room (with record or without Record, and for further or correct particulars if any required) on ____________

(6) Applicant given notice for further or correct particulars on ____________

(7) Applicants given notice for further funds on ________

(8) Notice in Sl.No.(6) or (7) complied with on ____________

(9) Copy ready on ____________

(10) Copy delivered on ________

(11) Court fee realized ________

Copyist Comparer Head Copyist / Authorized official

217. Every certified copy issued by the High Court shall be certified by the examiner/Assistant Registrar (In-charge of the Copying Section) to be true and accurate copy of the original and shall be sealed with the seal of the High Court.

218. The copy when ready, after entry in the register, shall be given at the counter only to the concerned counsel or his registered clerk or a person authorized by him. It may also be given to the applicant in person, but only after verifying his signatures from the application. The receipt given earlier shall also be collected before the delivery of the copy.

Note: The signatures of the person or Advocate to whom copy is so given shall also be obtained in the register in which the application was registered, as acknowledgement.

219. No certified copy shall be given of any document which is a document registered under law for the time being in force or of a document which is itself a copy of the original document. However, if a document which itself is a copy is annexed with any Presentation or any other pleading presented in the High Court, then a simple plain copy (photocopy), i.e. office copy of the same may be given.

220. Notwithstanding anything contained in this chapter no party or person shall be entitled as a right to apply for and receive copies of or extracts from any minute, letter or document of any confidential file or any paper produced before the Court, which the Court considers to be of a confidential nature or the publication of which the Court considers to be not in the interest of the public, except under and in accordance with an order specially made by the Chief Justice or by the Court.

221. Notwithstanding anything contained in this chapter where the Union or a State Government is a party to any proceeding the Assistant Solicitor General or the Advocate General or a law officer shall on application, be entitled to a free certified plain paper copy of the order passed or judgment pronounced.

222. The fees to be paid for supply of copies shall be as prescribed from time to time by the Officer-in-charge of the Copying Section with previous approval of the Chief Justice. For this and other incidental and ancillary purposes, the Officer-in-charge of the Copying Section may issue necessary administrative instructions which shall be binding on all concerned.

223. (1) On payment of ordinary copying fee, endeavour shall be made that copy applied for is issued within 48 hours from the date of receipt of the application.

(2) On payment of double copying fee, the copies applied any time during Court hours shall be issued on the same day or latest within 24 hours from the time of receiving the application.

224. Copies of judgments convicting Government Officers of criminal offences as well as copies of judgments of acquittal and orders of discharge will be supplied free of charge on the application of the head of the department concerned.

225. In addition to and subject to whatever is contained in these Rules or the administrative instructions issued pursuant hereto by the Officer-in-charge of the Copying Section, the Civil Court Rules and all other enabling rules in this behalf shall mutatis mutandis apply to this Chapter.

226. No record of any case shall be removed from the Court building by any one except in connection with the discharge and performance of official duties and without a permission in writing by the Registrar General, except in the case of the Judge(s) of the High Court and the Registrar(s).

227. An inspection of documents undertaken by any applicant shall be carried out under the supervision of an official of the High Court and strict vigil shall be kept at the time of inspection so as to ensure that neither any document is removed nor tampered with during the course of inspection. The Officer-in-charge of the Copying Section, under whose authority, supervision, and control, inspection shall be carried out, shall ensure that an Officer not below the rank of Section Officer is made responsible for every individual inspection to be undertaken by any applicant.

CHAPTER-XV

DEPOSIT AND REPAYMENT OF MONEY

228. When money is required to be paid or deposited in the office of the Court it shall be accompanied by triplicate Challans which shall be delivered to the Accountant of the Court. If the Challans are in order the Accountant shall sign and return the three Challans to the person making the payment or deposit for presentation with the money to the Cashier of the Court. The Cashier shall thereupon receive the money, enter the receipt in the register of receipts, sign each Challan and send the Challans to the Accountant. The Accountant shall then enter the amount in his register of receipts, issue one copy of the Challan duly signed to the person making the payment or deposit as a receipt for the money, send the second copy to the office to be filed with the record concerned, and keep the third copy serially in a guard file. When the amount exceeds Rs.500/- the copy of the Challan intended as a receipt for the money shall be signed by the Deputy Registrar before it is issued. The Cashier shall remit the money he has received to the Treasury with the Treasury Pass Book, after verification by the Deputy Registrar or in his absence, by the Assistant Registrar, on the next day on which the Treasury is open following the day of payment.

229. No money paid into Court by way of deposit or otherwise shall be paid out of Court except under an order of the Court or of the Registrar (Judicial) or in the absence of the Registrar (Judicial), the concerned Registrar, upon an application for payment.

230. Every application for the payment of money out of Court shall be in writing and signed by the party claiming in his own right or in his capacity as personal legal representative or as guardian to be entitled to the money or by his recognized agent for the purpose :

Provided that where the application is for payment of sum not exceeding

Rs.50/- (Rs. Fifty Only) the application may be signed by an Advocate duly authorized in that behalf.

231. (1) The application shall state----

(i) the name, description and address of the applicant claiming to be entitled to the money;

(ii) the capacity in which such applicant claims to be entitled to the money;

(iii) the cause, appeal, matter or proceeding in which, or the date of the order under which, the money to which the application relates was paid into the Court and the date and number of the deposit; and

(iv) the precise amount for the payment of which an order is applied for.

(2) When the applicant desires that the money shall be paid out of Court on his behalf to any other person, the application shall state in clear language that the applicant desires that the money may be paid on his behalf to such other person and shall state the name, description and address of such other person.

232. The application shall be presented in person by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant and in the latter case the application shall be signed by the Advocate immediately below the signature of the applicant in authentication of the signature of the applicant:

Provided that when the sum to be refunded does not exceed Rs.100/-, the applicant may –

(1) add to the application a request that the amount due, less the postal commission payable, may be forwarded to his address by postal money order;

(2) obtain on the application the counter signature of a Magistrate as to his

identity; and

(3) forward his application countersigned as aforesaid to the Registrar (Judicial) and, if the identity seems to be sufficiently established, the amount, less the postal commission payable, may, under an order of a Judge or of the Registrar (Judicial), or in the absence of the Registrar (Judicial) the concerned Registrar, be sent to him by money order.

233. The Judge, or the Registrar (Judicial) or in the absence of the Registrar (Judicial) the concerned Registrar, may pass an order on the application allowing or refusing payment of the amount, or may before passing an order issue notice to show cause to any person or persons :

Provided that no order for payment shall be passed unless the application has been examined by the Accountant and bears his certificate in writing that there is no order in force stopping the payment of such money or any part thereof and stating the precise amount for the payment of which out of Court an order may be made.

234. When an order for payment is passed, a payment order shall be prepared by the Accountant and signed by the Deputy Registrar and when it is ready the fact shall be notified in a register to be kept for public inspection outside the Accountant's Office. The applicant or his Advocate may then take delivery of the payment order from the Accountant after putting his signature on the counter-foil as receipt.

Pay orders shall remain in force for two weeks from the date they are made over to the applicant or his agent, and no payment after this period shall be made until the order is renewed. The date of delivery of the pay order shall be noted on it.

235. The Cashier is authorized to make payment in cash of a sum not exceeding Rs.200/- (Rs. Two Hundred Only). Before making payment the Cashier shall satisfy himself as to the identity of the payee and if the payee is not personally known to him he

shall note in the register of pay orders the name, description and address of the person by whom the payee has been identified to his satisfaction. Before making payment the Cashier shall take from the payee a receipt for the money, duly stamped when a stamp is necessary. The Cashier shall enter all such payments in the register of pay orders.

236. When any money has remained in Court for more than twelve calendar months after the time when an application for the payment thereof might have been made, the accountant shall report the fact to the Registrar General or the Officer authorized for the purpose who shall issue such notice as may be necessary that the money is ready to be paid out of the Court. The expense, if any, of issuing such notice shall be charged to and defrayed out of such fund remaining in the Court.

237. The account registers to be kept are as follows:-

(1) By the Accountant –

(i) Register of deposits received;

(ii) Register of receipts;

(iii) Register of payment orders issued;

(iv) Register of repayments of deposits;

(v) Ledger of security deposits; and

(2) By the Cashier --

(i) General Cash-book;

(ii) Pass-book;

(iii) Register of payments made in the Court;

(iv) Register of money orders received.

238. All the registers of the Cashier and of the Accountant shall be examined daily by the Deputy Registrar. The daily examination shall consist in comparing --

(1) the guard file of Challans, the registers of deposits and receipts, the register of payment orders issued and the register of payments made in Court with the Cashier's general cash-book;

(2) the Treasury pass-book with the above; and

(3) the balance shown in the pre-emptory cash book with those in the general cash book.

239. Notwithstanding anything contained in the foregoing Rules of this Chapter, the Chief Justice may by an administrative order or the High Court in any proceedings, direct that an Account in the name of the High Court may be opened in a Bank which shall be operated by the Registrar General or by such other Officer jointly with the Registrar General or otherwise as the Chief Justice may nominate for this purpose.

240. If and when such an Account is opened, transactions relating to the deposit of money in the Court by anyone or withdrawal of money from the Court by anyone, as are mentioned in the foregoing Rules in this Chapter may be carried out and operated through the aforesaid Bank Account.

241. To facilitate the deposit of money in the Bank in the name of the Court or the withdrawal of the money from the Bank by order of the Court, the Chief Justice may issue such administrative instructions as would be conducive to the object sought to be achieved under these Rules.

242. The Chief Justice may issue an administrative order directing that the accounts of the High Court may be maintained through a Computer system in accordance with the software developed on the basis of the requirements of the High Court. The maintenance of the account by the High Court through the Computer system may be in addition to the accounts maintained manually as per the foregoing Rules of this Chapter or alternatively as the Chief Justice may direct.

243. The Chief Justice may by an administrative order direct that the function to be performed by the Deputy Registrar under this Chapter may be performed by some other officer of the same or higher rank.

CHAPTER-XVI

PRESERVATION AND DESTRUCTION OF CIVIL AND CRIMINAL RECORDS AND REGISTERS

A. DESTRUCTION OF RECORDS

244. Each record shall be divided into two files, which shall be called File-A and File-B.

245. Each paper, as it is filed, shall be entertained in the index which is put with record of every case on its institution and shall be marked with the letter A or B for the purpose of indicating whether it belongs to file A or file B.

I. CIVIL RECORDS

246. File A shall consist of the following papers:-

(1) in original suits or papers other than those which are included in the D file of subordinate Civil Court.

(2) in all other civil proceedings the following: -

(i) Index.

(ii) Memorandum of appeal.

(iii) Petition for the exercise of the Court's power of revision.

(iv) Reference under Rule 1, Order XLVI, Civil Procedure Code or other law.

(v) Notice, with report of service in ex-parte cases.

(vi) Memorandum of objection under Rule 22 or 26 of Order XLI of the Code of Civil Procedure.

(vii) Security bond for cost filed by an appellant.

(viii) Petition for substitution, addition or striking out of name of parties or for substitution of names of legal representatives of a deceased party to the proceeding

including petition for appointment of a next friend or guardian.

(ix) Affidavits except affidavits presented with petitions.

(x) Depositions of parties or witness taken in this Court or by the lower Court on remand.

(xi) Commissions' proceedings held thereunder and reports and examination of Commissions.

(xii) Documents admitted in evidence in the Court.

(xiii) Orders impounding a document.

(xiv) Order imposing a fine on a witness.

(xv) Application to refer to arbitration, references to arbitration, the award or other final return of the arbitrators with the proceedings, depositions and documents submitted therewith the Court's order thereon.

(xvi) Petitions and instruments of withdrawal, compromise or confessions of judgments.

(xvii) Order-sheets including interlocutory orders.

(xviii) The Court's judgment or final orders.

(xix) The decree and all documents relating to the preparation or amendments thereof.

(xx) Copy of the lower Court's judgment.

(xxi) Intimation from a Debt Conciliation Board regarding the decision of proceedings pending before it.

(xxii) Power of attorney or memorandum of appearance.

(xxiii) Petition for the re-admission of any civil proceeding dismissed for default or for the rehearing of any civil

proceedings decreed ex-parte with any affidavit or other documents filed therewith.

(xxiv) Petition for review of judgment with any affidavit or other document filed therewith.

(xxv) Petition for amendment of decree with any affidavit or document filed therewith.

(xxvi) Judgment or final order and petition referred to in (xxiii) to (xxv) above (both inclusive).

(xxvii) Reference under Section 113, and Rule 1 of Order XLVI, First Schedule to the Code of Civil Procedure, 1908, or other law, with the final order.

(xxviii) Note-sheets relating to the preparation and printing of the Supreme Court appeal record.

(xxix) Certified copy of order granting special leave to appeal to the Supreme Court.

(xxx) Certified copy of judgment and order of the Supreme Court.

(xxxi) Two copies of the printed record (paper-books).

(xxxii) Certified copy of stay order of the Supreme Court.

(xxxiii) Lists A and B of the record.

(xxxiv) Memoranda to Counsel issuing List A and B.

(xxxv) Objections by parties to Lists A and B.

(xxxvi) Lists of documents showing arrangement of documents in Part-II.

(xxxvii) Correspondence with the Registrar of Supreme Court.

(xxxviii) Certificate regarding security deposit by the appellant.

(xxxix) Certified copy of order of the Supreme Court giving directions regarding preparation of printed records, etc.

(xl) Office copy of List B.

247. File B in all civil proceedings shall consist of all papers not indicated above as belonging to File A, provided that the Court may direct that any paper or class of papers which would otherwise belong to File B shall be placed in File A.

Note: -The following papers are indicated for facility of reference as belonging to File B:-

(1) Certificate for legal practitioner's fee.

(2) Copy of lower Court's decree.

(3) Proceeding calling for the record of directing the issue of a notice.

(4) Notices.

(5) Lower Court's proceeding forwarding the record or notice served on respondent.

(6) Petition for postponement of execution or of sale, or for the issue of an injunction.

(7) Proceeding directing the issue of a notice to show cause.

(8) Notice to show cause, with the report of service.

(9) Respondent's application for security for cost being taken from the appellant.

(10) Petition for adjournment.

(11) Petition for records or account-books to be sent for.

(12) Petition for return of documents.

(13) Application for copies.

(14) Other applications which have been disallowed.

(15) Papers relating to preparation of estimates together with the lists of documents to be included in the paper-book and payment purchase.

(16) Translations of vernacular papers.

(17) Paper-books.

(18) Applications for preparing lists A and B, estimate of costs and depositing security.

(19) Application for extension of time of condoning delay in depositing the security and printing costs and filing objections to Lists A and B.

(20) Notices to the respondents of admission of appeal and to the parties regarding despatch of printed records to the Supreme Court.

(21) Bills prepared for the office work and the Printer's bills.

(22) Applications and affidavits for expediting the preparation of the printed record.

(23) Correspondence with the press.

(24) Lists of mistakes and defects detected in the printed paper-book.

(25) Postal acknowledgements etc.

(26) Correspondence with the solicitors.

(27) Applications for copies of printed Paper-books.

(28) Transcript of record prepared for the Press.

(29) Profits-first and final.

(30) Surplus copies of the printed records (paper-books).

248. Papers in File A, with the exception of following papers which shall be retained permanently, shall be retained for twelve years from the date of judgment and shall then be destroyed.

(1) Index.

(2) Judgments and final orders of this Court with compromise, if any, on which the decree is based.

(3) Decrees.

(4) Petitions for withdrawing a case.

(5) Note-sheets relating to the preparation and printing of the Supreme Court Appeal Record.

(6) Certified copy of order granting special leave to appeal to the Supreme Court.

(7) Certified copy of judgment and order of the Supreme Court.

(8) Two copies of the printed record (paper-book), of the surplus copies of the printed paper-book, shall be undertaken one year after receipt of the judgment and order of the Supreme Court without any reference to the litigants or Advocates concerned, provided however, that where such litigants apply to the Registrar, through their Advocates for the return of such copies, they may be returned to such Advocates, provided that the application for return is made at least one calendar month before expiry of the aforesaid period. No notice to take back such copies will be issued from the High Court.

(9) Any other documents ordered by the Court to be retained permanently.

Note.- When a grant of probate or letters of administration with a copy of the will annexed has been made, the original will shall forthwith be forwarded to the District Registrar as required by rule of the Rules published in the Registration Department Notification Nos.1925A and 1925-B, dated the 4th December, 1919, and Judicial Department Notifications Nos.78/202-A-V and 79 of 202-B-V, dated the 4th March, 1920.

249. Destruction of the surplus copies of the printed paper-book shall be undertaken one year after the receipt of the judgment and order of the Supreme Court without any reference to litigants apply to the Registrar through their Advocates for the return of such copies, they may be returned to such Advocate, provided that the application for return is made at least one calendar month before expiry of the aforesaid period. No notice to take back such copies will be issued from the High Court.

250. (1) Document which are produced in this Court, but are not admitted in evidence shall be returned by the Court to the party or pleader producing them immediately after rejection. If any of them unavoidably remain in Court, they should be placed in a closed cover labelled "Documents filed by .... to be returned" before the record is sent for depositing in the Record Room. The cover should be kept with File B and destroyed with file if the contents are not taken back previously.

(2) Documents which are admitted in evidence shall be returned by the Court;

(i) where the case is one in which an appeal to the Supreme Court is not allowed, when the case has been disposed of; and

(ii) where the case is one in which an appeal to the Supreme Court is allowed, when the time prescribed for such appeal has elapsed and no appeal has been preferred, or, if such appeal has been preferred, when the appeal has been disposed of.

A document may, however, be returned before the expiration of the time prescribed for an appeal to the Supreme Court or before the disposal of such appeal if the person applying for the same delivers a

certified copy to be substituted for the original and undertaken to produce the original if required to do so. But no document shall be returned which is ordered to be impounded or has, by force of the decree, become wholly void or useless, or which is required by law to be preserved.

(3) A general notice will be pasted in a conspicuous part of the Court house that documents filed in appeal or other proceeding should be withdrawn as soon as the decree or order made therein has become final and that if they are left with the Court they will be kept at the risk of the owners and destroyed after 12 years from the date of judgment if not admitted.

II. CRIMINAL RECORDS

251. File A in Criminal Appeals, References and Revisions shall consist of the following papers:-

(1) Index.

(2) The memorandum of appeal or petition for revision or reference with a translation into English if the memorandum or petition is in the vernacular.

(3) Depositions of parties or witnesses taken in this Court or by the lower Court on remand.

(4) Order-sheet.

(5) Judgment or order of the High Court.

(6) Warrant.

(7) Power of attorney and memorandum of appearance.

252. File B shall consist of all papers in the record not indicated above as belonging to File A, provided that the Court may direct that any paper or class of papers, which would otherwise belong to File B, be placed in File A.

253. The periods for which File A of the records of Criminal Appeals and Revisions shall be preserved shall be as follows: -

(1) Criminal Appeals in non-bailable cases except summarily dismissed .... 14 years from the date of final order.

(2) Criminal Appeals in non-bailable cases which have been summarily dismissed and Criminal Appeals in bailable case .... 6 years from the date of final order.

(3) Criminal Revision .... 6 years from the date of final order.

(4) Miscellaneous Criminal Cases .... 6 years from the date of final order.

Provided that no records shall be destroyed until one year has elapsed after the expiry of the longest sentence imposed on any accused still living.

254. Papers in File B shall be retained for one year from the date of judgment and shall then be destroyed unless the Court otherwise directs.

III. GENERAL RULES

255. The destruction of all records and papers shall be by burning in the presence of the Record Keeper under the supervision of the Additional Registrar or Deputy Registrar or by shredding or by such other mode as the Registrar may deem proper.

256. The Record Keeper shall when putting papers aside for destruction, mutilate all court fee stamps attached to them in such manner that it shall be impossible to use them again.

257. No records shall be destroyed without the previous sanction of the Registrar, and the fact of the destruction of any record shall be noted in the "Register of Records Destroyed" maintained by the Record Keeper of the Court.

258. Elimination of B files of records shall be done month by month by examining the records of the thirteenth month back. As far as possible similar monthly examination of the A file should be made, work on these being brought up to date by the end of vacation.

B. DESTRUCTION OF REGISTERS

259. (1) A Register of Registers deposited in the Record Room will be kept in a form maintained in this regard.

(2) The Register shall consist of two parts, viz. ---

(i) List of Register to be preserved permanently.

(ii) List of Register to be eliminated after the expiry of prescribed period.

(3) Part (2) shall be divided into sections as follows:--

Section A – Registers to be preserved for 35 years.
Section B – Registers to be preserved for 14 years.
Section C – Registers to be preserved for 12 years.
Section D – Registers to be preserved for 6 years.
Section E – Registers to be preserved for 3 years.
Section F – Registers to be preserved for 1 year.

(4) Part (1) and each Section of Part (2) shall be divided into divisions, a separate division being opened for each different kind of register. A separate series of numbers shall be given to the registers entered in each division. Care should be taken to ensure that the space allotted to each

division is such that the pages belonging to each division will be completely filled in approximately the same length of time.

(5) Part (1) and Part (2) shall be separately paged throughout and a table of content shall be made at the beginning of the Part showing which pages are allotted to each Section and to each kind of register.

(6) On receipt in the Record Room a register will at once be entered, in the appropriate division of Part (1) or Part (2) as the case may be.

PART (1)

List of Registers to be preserved permanently

1. Register of Suits.
2. Register of First Appeals.
3. Register of Second Appeals.
4. Register of Miscellaneous Appeals.
5. Register of Writ Petitions
6. Register of Writ Appeals.
7. Register of Civil Revisions.
8. Register of Miscellaneous Civil Cases.
9. Register of Criminal Appeals.
10. Register of Criminal Revisions.
11. Register of Sentences of death, submitted for confirmation.
12. Register of Records destroyed.
13. Register of Recognized clerks of Advocates.
14. Office Order Book.
15. Register of Election Petitions.

PART (2)

List of Registers to be eliminated after the expiry of a prescribed period.

DESCRIPTION OF REGISTERS

Section A (35 Years)

1. Register of Civil Court Deposit Receipts.
2. Register of Repayment of Civil Court Deposits.

Section B (14 Years)

1. Cashier's (General Cash Account).

Section C (12 Years)

1. Book of Deposit Repayment Vouchers.
2. Correspondence Registers.
3. Cashier's Account Book.
4. Register of Elimination of Records.

Section D (6 Years)

1. Head Copyist's Register of Application for copies.
2. Head Copyist's Detailed Account Book.
3. Head Copyist's Account Book.
4. Head Copyist's Duplicate Receipt Book.
5. Challan-Book of money sent into the Treasury.
6. Remittance List.
7. Register of monthly Business Statements.
8. Register of Miscellaneous Criminal Cases.
9. Register of Records received from the Lower Courts.

10. Register of Records dispatched.

11. (Cashier's) Book of Receipt for money.

12. Register of progress of cases in the pending and Paper-book Branches (Civil).

13. Head Copyist's Pass Book A and B.

14. Head Copyist's List of unexpected advances.

15. Estimator's Register of Estimates prepared.

Section E (3 Years)

1. Register of Inspection of Records.

2. Copying Branch Register of daily disposals.

3. Book of Requisition for Records (Civil and Criminal).

4. Register of work done daily in the Copying Section..

5. Book of Intimation to Lower Court of admission of Appeal.

6. Book of acknowledgment of Records returned.

7. Register of Applications received by post.

8. Register of process issued.

9. Register of progress of cases in the pending and Paper book Branches (Criminal).

10. Consolidated Register of Bills of Costs for Paper Books.

11. Register of records deposited in Record Room.

Section F (1 Year)

1. Attendance Roll.

2. Disposal Ledgers.

3. Register showing work done daily by the Supreme Court Clerk.

4. Register showing work done daily by each sectioner in the Supreme Court Copying Sections.

5. Cause Book of petitions.

6. Register of Receipts and issues of Forms.

7. Deleted.

8. Register showing preparation of Records of cases for transmission to Supreme Court.

9. Register of distribution of work in the Translation Section.

10. Register of work done by Translators.

11. Register of work done by Notice Clerk.

12. Register of work done by Estimators.

13. Register of daily out-turn of typist in the Paper-Book Branch.

14. Consolidated Register of work done daily by each Translator.

Note:- Any other registers and papers of ephemeral nature for the preservation of which no specific period has been prescribed shall be destroyed at the end of one year.

CHAPTER-XVII

A: RULES UNDER SECTION 34(1) OF THE ADVOCATES ACT, 1961

260. In these rules, unless there is anything repugnant to the subject or context, the word "advocate" shall include a partnership or a firm of advocates.

261. Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, plead or act for any person in any court in any proceeding unless the advocate files an appointment in writing signed by such persons or his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment and signed by the advocate in token of its acceptance, or the advocate filed a memorandum of appearance in the form prescribed by the High Court:

Provided that where an advocate has already filed an appointment in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the court that he appears on instructions from the advocate who has already filed his appointment in the proceedings:

Provided further that nothing herein contained shall apply to an advocate who has been requested by the court to assist the court as an *amicus curiae* in any case or a proceeding or who has been appointed at the expense of State to defend an accused person in a Criminal Proceeding.

Explanation: - A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the connected proceedings.

262. An advocate who is not on the roll of Advocates of the Bar Council of the State in which the court is situated, shall not appear, act or plead in such court, unless he files an appointment along with an advocate who is on the roll of such State Bar Council and who is ordinarily practicing in such court.

263. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint or separate appointment.

264. The acceptance of the appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership of advocate.

265. An advocate at the time of acceptance of his appointment shall also endorse on it his address which address shall be regarded as one for service within the meaning of Rule 5 of Order III of the Code of Civil Procedure, 1908:

Provided that where more than one advocate accepts the appointment, it shall be sufficient for one of them to endorse his address.

266. Where an advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another advocate to appear for him at that hearing.

267. (1) In civil cases, the appointment of an advocate, unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908.

(2) In criminal cases, the appointment of an advocate, unless otherwise limited, shall be deemed to be in force until determined with the

leave of the court in writing signed by the party or the advocate, as the case may be, and filed in court or until the party or the advocate dies or until all proceedings in the case are ended so far as regards the party.

(3) For the purposes of sub-rule (2), a case shall be deemed to mean every kind of enquiry, trial or proceeding before a criminal court whether instituted on a police report or otherwise than on a police report, and further—

(i) An application for bail or reduction, enhancement or cancellation of bail in the case;

(ii) An application for transfer of the case from one court to another;

(iii) An application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arise;

(iv) An application for suspension, postponement or stay of the execution of the order or sentence passed in the case;

(v) An application for the return, restoration or restitution of the property as per the order of disposal or property passed in the case;

(vi) An application for leave to appeal against an order of acquittal in the case;

(vii) Any appeal or application for revision against any order or sentence passed in the case;

(viii) A reference arising out of the case;

(ix) An application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case;

(x) An application for making concurrent sentences awarded in the case or in an appeal, reference revision or review arising out of the case;

(xi) An application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court);

(xii) Any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or in any of the proceedings mentioned hereinbefore;

(xiii) Any application or act for obtaining the withdrawal or the refund or payment of or out of the moneys paid or deposited in the court in connection with the case or any of the proceedings mentioned hereinbefore (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court);

(xiv) Any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf;

(xv) Any application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case; and.

(xvi) Any application or proceeding for sanctioning prosecution under Chapter XXVI of the Code of Criminal Procedure, 1973, or any appeal or revision arising from and out of any order passed in such an application or proceeding, shall be deemed to be proceedings in the case:

Provided that where the venue of the case or the proceedings is shifted from one Court (subordinate or otherwise) to another, the advocate filing the appointment referred to in sub-rules (1) and (2) above in the former court shall not be bound to appear, act or plead in the later court unless he files or he has already filed a memorandum signed by him in the later court that he has instructions from his client to appear, act and plead in that Court.

268. (1) Except when specially authorized by the Court or by consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal or other proceeding or has drawn up pleadings in connection with such matter, or has during the progress of any suit, appeal or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded, an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in

conflict with that of such party :

Provided that the consent of the party may be presumed if he engages another advocate to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the advocate whose services were originally engaged by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above, the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate who discloses to any party information confided to him in his capacity as an advocate by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

269. (1) The appointment of a firm or partnership of advocates may be accepted by any partner on behalf of the firm.

(2) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court.

(3) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but of no others.

(4) The words 'and Company' shall not be affixed to the name of any such partnership or firm.

(5) The names of all the members of the firm shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in all professional communications issued by the partners or the firm.

(6) The firm of advocates shall notify to the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

Explanation: In cases of dissolution, all the members, who were the members on the date of dissolution, of such dissolved firm shall be jointly and severally responsible for the purpose of such notification as mentioned in this rule.

(7) Every partner of the firm of advocates shall be bound to disclose the names of all the partners of the firm whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.

(8) In every case where a partner of a firm of advocates signs any document or writing on behalf of the firm he shall do so in the name of the partnership and shall authenticate the same by affixing his own signatures as partner.

(9) Neither the firm of advocates nor any partner thereof shall advise a

party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

270. No advocate shall be permitted to file an appointment or memorandum of appearance in any proceeding in which another advocate is already on record for the same party save with the written consent of the former advocate on record or the leave of the Court, unless the former advocate has ceased to practice or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

271. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar or any officer of the Court specially empowered in this behalf by the Court obtained on a memorandum stating the correction desired.

272. No advocate who has been debarred or suspended or whose name has been struck off from the role of advocates shall be permitted to act, as a recognized agent of any party within the meaning of Order III of the Code of Civil Procedure, 1908.

273. No advocate who has been found guilty of contempt of Court shall be permitted to appear, act, or plead in any Court unless he has purged himself of contempt.

274. Advocates appearing in the High Court shall wear the following as part of their dress which shall be sober and dignified:—

(1) Advocates other than lady advocates

(i) a black buttoned up coat, chapkan, achkan, black sherwani and white bands with Advocates' Gowns, or

(ii) a black open breast coat, white shirt. white collar, stiff or soft, and white bands with Advocates' Gowns.

In either case long trousers (white, black striped or grey) or Dhoti.

(2) Lady Advocates.

(i) Black and full or half sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocates' Gowns.

White blouse, with or without collar, with white bands and with a black open breast coat with Advocates' Gowns.

OR

(ii) Sarees or long skirts (white or black of any mellow of subdued colour without any print or design) of Flare (white, black or black striped or grey) or Punjabi dress churidar kurta or salwar-kurta with or without dupatta) white or black with white bands and Advocates' Gowns.

B: SENIOR ADVOCATE

RULES FRAMED BY THE HIGH COURT OF CHHATTISGARH IN EXERCISE OF THE POWERS CONFERRED UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961

275. The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar the said advocate deserves such distinction.

Explanation: - The term 'standing at the Bar' means the position of eminence attained by an Advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the Court.

276. The name of an Advocate for being designated as a Senior Advocate may be proposed in any of the following ways:-

(1) by the Chief Justice or any of the judges of the High Court;

(2) by an application made by the Advocate desiring to be so designated:

Provided that in case of (1) above the written consent of the Advocate concerned shall accompany the proposal, and in either case as mentioned above the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that no application of his has been rejected by the High Court within the period of two years prior to the date of the proposal or application.

277. An Advocate shall be considered for being designated as Senior Advocate only if he has completed forty five years of age and has actually practiced as an Advocate for not less than fifteen years, of which 12 years practice should be in any court within the jurisdiction of the erstwhile High Court of Madhya Pradesh or the High Court of Chhattisgarh and at least three years practice in the High Court of Chhattisgarh. In calculating the 15 years standing at the Bar, services rendered as a Judicial Officer shall be taken into consideration.

278. The Advocate to be designated as Senior Advocate should be an Income Tax assessee for seven years preceding the date of consideration of his case for designation as Senior Advocate and the annual declared gross income from the profession should not be less than 2 lakh rupees for the immediately preceding 3 years.

279. (1) The application by an Advocate to designate him as Senior Advocate shall contain the following particulars:-

(i) Name
(ii) Qualifications
(iii) Date of birth
(iv) Permanent Address
(v) Address to which communications are to be sent.
(vi) Date of enrollment as Advocate and where enrolled.
(vii) Number in the roll of advocates maintained by the State Bar Council and the date on which enrolled.
(viii) Whether a member of any Association of Lawyers? If so, details.
(ix) Number of years' practice (or judicial service) and in which Court?
(x) Whether has specialized in any field of law? If so, details.
(xi) Whether was a chamber junior to any lawyer? If so, the name of such Lawyer/Lawyers and the period spent as such.
(xii) Whether any junior Lawyer is attached to his chamber? If so, the name of such Lawyer and the period held as such.
(xiii) (a) Since when has been an assessee under the Income Tax Act in respect of his profession?
(b) What is the gross income returned for the last 3 years and the net income on which he has been assessed?
(xiv) Whether in the panel or holds any office under the State or Central Government?
(xv) Reference to any important matter in which he has appeared.
(xvi) Whether he had to his credit any Journal? If so, details.
(xvii) Whether has attended or participated in any seminar/conference relating to law?
(xviii) Whether connected with any faculty of law? If so, details.

(xix) Has any application for designation as Senior Advocate been made to the High Court of Chhattisgarh or any other court before? If so, with what result?

(xx) Whether is ordinarily practicing within the jurisdiction of the High Court of Chhattisgarh?

(xxi) Other information/particulars, if any, including legal aid work.

Date -----------------

Signature of the Advocate
furnishing information

(2) If the proposal for designation of an advocate as Senior Advocate is made under sub-rule (1) of Rule 276 by the High Court, the particulars mentioned in sub-rule (1) shall, as far as possible, be obtained by the Registry.

280. The proposal for designation shall be considered in a Full Court Meeting of the High Court.

281. An application once rejected shall not be reconsidered for another two years.

282. The designation of Senior Advocate shall be liable to be cancelled after due notice in the event of it being found that he has violated any or all of the provisions of the Rules or the restrictions prescribed by the Bar Council of India under Sections 16 (3) and/or 49 (1) (g) of the Advocates Act, 1961.

283. On designation of an Advocate as a Senior Advocate or on cancellation of such designation, the Registrar General shall notify the fact to the Registrar General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India, the Bar Councils of other States in India and to all the District and Session Judges subordinate to the High Court.

284. A record of all such decisions shall be maintained in the office of the High Court.

285. Nothing in these rules shall be construed to curtail the powers of the High Court to relax any requirement under the rules.

286. On the date of coming into force of these Rules, any existing Rules framed by the High Court under Section 16 (2) of the Advocates Act, 1961 shall stand repealed.

These rules shall come into force with immediate effect.

C: LEGAL PRACTITIONER'S CLERK

287. This Rule framed under this Part C shall be called as 'The Chhattisgarh High Court Legal Practitioner's Clerk Rules'.

(1) The expression "recognized clerk" means a clerk employed by a legal practitioner and permitted as such to have access to the Court and the Registry in connection with his clerical work.

(2) Two or more clerks of a legal practitioner may be recognized if the extent of practice necessitates their employment. Special care should be taken to see that this condition is satisfied in the case of practitioners having less than ten years' standing.

(3) The Registrar General shall maintain in the following form, a register of all recognized clerks:

Register of recognized clerks

Serial No.	Name	Father's name	Residence	Date of registration
1	2	3	4	5

Name of legal practitioner under whom employed	Date of removal from the register with cause for removal in brief	Remarks
6	7	8

Note.- The register will be open for inspection on payment of the usual fees prescribed for inspection of registers.

(4) (i) Every application for recognition shall be made by a legal practitioner, by a letter addressed to the Registrar General in the following form :-

"I beg that (name)............. son of .... aged .... resident of .... may be recognized as my clerk.

I have made due enquiries with regard to the character and qualifications of the candidate, and certify that in my opinion he is a fit and proper person to be recognized as a legal practitioner's clerk, under the rules made by the High Court of Chhattisgarh. I also, certify that he will be employed *bona fide* in my service for clerical work".

(ii) The application shall state the legal practitioner's standing at the Bar, the name or names of the recognized clerks, if any, already in his service, and the educational qualifications of the person proposed to be employed as a recognized clerk.

(5) An application for renewal of recognition shall be made by the legal practitioner to the Registrar General before the 15th January of each year.

(6) A fee of Rs.100/- for recognition and an annual fee of Rs.50/- for the renewal of recognition shall be payable in respect of each clerk. The fee payable for renewal will be Rs.100/- if the application for renewal is made after the date mentioned in the preceding sub-rule. The fee shall be paid in the shape of court-fee stamps affixed to the applications.

(7) No person convicted of an offence involving moral turpitude shall be registered as a recognized clerk unless after taking into consideration the age and antecedents of the person, the circumstances in which the offence was committed, the interval since conviction and the conduct of the person during that interval, the Registrar General is of the opinion that the conviction should no longer operate as a bar to the registration: No person shall be registered as a recognized clerk unless he is approved by the Bar Association, and unless the Registrar General is satisfied that he has had a sufficient elementary education in Hindi and also in English.

(8) No person shall be admitted or continued as a recognized clerk if he is, or acts as, a recognized agent (*mukhtyar*), either under a special or general power of attorney of any person other than the legal practitioner by whom he is employed.

(9) No clerk recognized as the clerk of one legal practitioner shall do business in the Court or its Registry on behalf of any other legal practitioner unless permitted in writing to do so by his master on special occasions.

Note.- Two legal practitioners cannot be allowed to engage a single clerk. If a legal practitioner cannot employ a separate clerk he should do his own work. But one clerk may be allowed for two closely related legal practitioners, such as father and son or brothers.

(10) No clerk employed by a legal practitioner shall be allowed access to the High Court or any Court subordinate to it, or to any of the offices attached thereto unless he is a recognized clerk.

(11) (i) A registered clerk may act in all matters of a routine nature which do not require the personal attendance of a legal practitioner such as—

(a) to present applications signed by his master for –

(i) copies of records,

(ii) return of documents,

(iii) issue of process with diet-money, if any,

(iv) payment of incidental costs,

(v) translation and typing of documents,

(b) to inspect records if authorized by his master and sanctioned by the Court or other office empowered to do so;

(c) to file powers of attorney in favour of his master; and

(d) to identify, if required and if in a position to do so, persons making inspection of records or swearing affidavits.

(ii) Acts which the law requires to be done by a party or his recognized agent, or by the pleader duly appointed on his behalf, such as the presentation of a memorandum of appeal shall not be allowed to be done by a recognized clerk.

(iii) When a recognized clerk receives any money from his master's employer he shall give to the employer a receipt for the amount received by him specifying exactly what for the money was received, e.g. writing fees or costs, and if for costs, for what costs, e.g. process-fee, pleader's fee etc.

The details shall be set out separately either in the receipt itself or on a separate piece of paper attached to it.

(iv) No writing fee exceeding the rate prescribed for the time being for petition writers shall be included in the taxed costs and no such fee shall be taxed unless a certificate signed by the clerk and countersigned by the pleader is filed before the date of decision:

Provided that a Judge may in his discretion for reasons to be recorded award more than the rate prescribed for the petition writers.

(12) The Registrar General, for reasons to be recorded in writing, and after hearing the clerk in his defence, if he so desires, order the removal of any recognized clerk and strike off his name from the register, and on the passing of such order the clerk shall cease to be a recognized clerk. Every such order shall be communicated to all concerned.

Note.- Proceedings taken against clerks under this rule are administrative and not judicial proceedings.

(13) No person removed under the preceding rule shall be recommended for registration by any legal practitioner unless he has been declared to be eligible for registration under sub-rule (15).

(14) The name of a recognized clerk found on enquiry under sub-rule (12) using the Court premises for private purposes, such as preparation of documents unconnected with the case in which his master is engaged, may be struck off from the register.

(15) The Registrar General may at any time revise the order passed by him under sub-rule (12) and may, for reasons to be recorded in writing, reinstate the person removed or declare him eligible for registration.

(16) Whenever, a pleader ceases to employ a recognized clerk he shall notify the fact to the Registrar General and shall also briefly state the reason why he has ceased to employ him. On receipt of this information the name of the clerk shall be struck off from the register and all concerned shall be informed.

(17) Each recognized clerk shall be given an identity card. Every recognized clerk, while in the Court premises, shall be properly dressed in sky blue full sleeve shirt and black pant/trouser and wear a plastic badge admeasuring 1" x 3" of black colour containing his name, and description as Advocate's Clerk in white letters.

D: PREVENTION OF TOUTS

288. (1) The Registrar General may, if necessary, in consultation with the President, High Court Bar Association, shall publish a list of persons, proved to his satisfaction by evidence of general repute or otherwise, habituated to act as touts to be known as the '*list of touts*', and may, from time to time, alter or amend such list.

A copy of every such list of touts shall be displayed on the notice board of the Court.

Explanation : In this Rule–

(i) 'tout' means a person who procures, in consideration of any remuneration moving from any advocate or from any person acting on his behalf, the employment of such advocate in any legal business, or who proposes to or procures any advocate, in consideration of any remuneration moving from such advocate or from any person acting on his behalf, the employment of the

advocate in such business, or who, for purposes of such procurement, frequents the precincts of the Court.

(ii) the passing of a resolution by the Supreme Court Bar Association or by a High Court Bar Association declaring any person to be a tout shall be evidence of general repute of such person for the purpose of this rule.

(2) No person shall be included in the list of touts unless he has been given an opportunity to show cause against the inclusion of his name in such list. Any person may appeal to the Judge (In Chamber) nominated in this behalf against the order of the Registrar including his name in such list.

(3) The Registrar may, by general or special order, exclude from the precincts of the Court all such persons whose names are included in the list of touts.

CHAPTER-XVIII

RULES UNDER SPECIAL ACTS

(A) Rules for the Disposal of Election Petitions filed under the Representation of the People Act, 1951

289. In these rules made under this Part (A) of Chapter-XVIII of the Rules of the Court, unless the context otherwise requires :--

(1) "*the Act*" means the Representation of the People Act, 1951;

(2) "*the Code*" means the Code of Civil Procedure, 1908;

(3) "*the Court*" means the High Court of Chhattisgarh at Bilaspur.

(4) "*the Judge*" means the Judge or Judges of the Court who, from time to time, have been assigned by the Chief Justice under sub-section (2) of Section 80-A of the Representation of the People Act, 1951, for exercising the jurisdiction of the High Court under sub-section (1) of Section 80-A of the Act;

(5) "*the Commission*" means the Election Commission of India.

290. As soon as an election petition is filed, but not later than a week, an intimation thereof shall be sent to the Commission.

291. Every Election Petition shall be –

(1) typewritten or printed fairly and legibly on foolscap size paper of reasonable quality, one side of the paper only being used, leaving a quarter inch margin on the left and at least 1½ inches open space on the top and bottom of each sheet;

(2) written in English, numbering separately the paragraphs thereof;

(3) couched in proper language, and in conformity with Sections 81, 82 and 83 of the Representation of the People Act, 1951.

292. The Registered address required to be filed under rules 19 and 20 of Order VII and rule 11 of Order VIII of the Civil Procedure Code shall contain the following particulars :--

(1) the name of the street, lane or municipal ward and the number of the house, if any;

(2) the name of the town or village;

(3) the post office: and

(4) the tehsil and the district.

293. Every Election Petition shall contain sufficient and clear particulars to show that it has been filed within the period of limitation prescribed by Section 81 of the Act.

294. Every Election Petition shall be accompanied by a receipt signed by the Cashier of the Court acknowledging that an amount of Rs.2,000/- (Rs. Two Thousand Only) has been deposited as security for the costs of the petition in accordance with the rules of the High Court.

295. (1) Every Election Petition complete in all respects, shall be presented before the Registrar (Judicial) in the High Court at Bilaspur.

(2) The name of the person presenting an Election Petition, with a description of the capacity in which he is presenting it, the date and hour of presentation and any other particulars considered necessary shall be endorsed in the margin of first page of the petition by the Registrar (Judicial) under his own signature.

(3) The Registrar (Judicial) shall have the petition examined in order to find out that all the requirements of the Act and these rules have been complied with.

(4) When after scrutiny, the Registrar (Judicial) reaches to the conclusion that the petition is complete in all respects in accordance with the Act/Rules, he shall certify the same.

296. As soon as may be after an Election Petition is presented and scrutinized as above, the Registrar (Judicial) shall place the same before the Chief Justice for orders under sub-section (2) of Section 80-A of the Act.

297. Every Election Petition shall be registered as "Election Petition" and given a separate serial number of the year and shall be entered with complete details in a separate register maintained for the purpose.

298. The Rules of the High Court shall apply, in so far as they are not inconsistent with the Act or the rules, if any, made thereunder or the Civil Procedure Code or these rules, in respect of all matters including processes and process fees, issuance of orders, copies and copying fees, deposit and withdrawal of money, forms, affidavits, etc.

299. Where more than one Election Petitions are presented in respect of the same election, the Judge may, in his discretion, try them separately or in one or more groups.

300. (1) As soon as may be, after an Election Petition has been presented and registered, it shall be placed before the Judge for such orders as may be required to be passed under Section 86 of the Act.

(2) If the petition is not dismissed summarily under Section 86 (1) of the Act, a summons, on the direction of the Judge, shall be issued to the respondents to appear before the Judge on a day not earlier than three weeks from the date of the issue of the summons, unless otherwise ordered by the Judge.

(3). The summons shall be for filing written statement and settlement of issues and shall be served on the respondents through the District Judge of the district to which the respondent belongs or in the district in which he ordinarily resides, in the manner provided for the service of summons in the Code of Civil Procedure and the concerned District Judge will make his best endeavour to get the summons duly served and make a return of the service of summons before the date fixed.

301. In addition to the service of summons to be effected as aforesaid, summons shall also be sent to the respondents at the address given by the petitioner by registered post acknowledgement due and/or by such other means as is directed by the Judge. The petitioner shall file extra copies of the petition along with copies of annexures, if any, duly attested as required by the Act and these Rules, to be served along with the summons.

302. Those of the respondents, who file written statements or recriminatory statements as provided under Section 97 (2) of the Act, shall also furnish copies of such written statements, and recriminatory statements and copies of annexures, if any, duly attested by such respondents under their own signature, for the use of the petitioner and the other respondents, as the case may be, and where a recriminatory statement under Section 97 (2) alleges any corrupt practice, such a statement shall be accompanied by an affidavit in support of the allegation of such corrupt practice and the particulars thereof as required under the Act/ Rules.

303. After the pleadings in the election petition are received, a date shall be fixed, at the direction of the Judge, for (1) discovery of documents, (2) inspection of the documents disclosed, and (3) the production of documents which are in the

possession and power of the parties, and issues would then be settled.

304. (1) Within seven days of the settlement of issues, parties shall file a list of witnesses and pay the process fees along with the traveling allowance, the diet allowance and local conveyance allowance as may be required.

(2) If no such list is filed or the required payment is not made within the period mentioned in sub-rule (1), the petition shall be placed before the Judge for necessary orders.

305. Witnesses may also be produced by the parties on the date of hearing without a summons, provided the parties have filed a list of the same as required under these Rules.

306. (1) A party applying for a summon(s) to a witness(es) shall be required to deposit with the cashier of the Court at the time of applying for summons a sum sufficient to cover the traveling allowance, the diet allowance and the local conveyance allowance of the witness(es) according to the scale given below :

Provided that in cases not fully or clearly covered by this Scale or in cases where the Judge thinks special considerations should prevail, the Judge shall award such amounts as he deems proper :

Provided further that the local conveyance allowance shall be payable only if the party calling the witness does not provide conveyance to him.

Scale

Class of witness	Travelling allowance	Diet allowance	Local conveyance allowance
Class-I			
Gazetted Officers, Professionals like Doctors, Advocates, Architects, Chartered	**By Rail** A.C. Sleeper/Chair Car fare. **By Road**	Rs.250/- per day.	By Taxi.

Accountants, etc. Income Tax payee, Members of Parliament, Members of State Legislative.	Taxi fare at the rate prescribed by the Directorate of Transport of the State Government and if no such rate has been fixed, as the Court thinks reasonable.		

Class-II

All others except those mentioned in Class-I.	**By Rail** Sleeper or 2nd class fare. **By Road** Actual Bus fare.	Rs.150/- per day.	By three wheeler Auto-rickshaw.

Note 1. -- Travelling allowance will be payable for the shortest possible route. If in addition to travelling by rail a witness is required to travel by bus also, the actual bus fare paid for such part of the journey shall also be admissible for travelling allowance.

Note 2. – Diet allowance shall be payable, irrespective of the distance travelled, for the actual time required for journey each way and also for the time taken in giving evidence and for the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day.

Note 3. – The Registrar (Judicial) of the Court shall decide as to which class a witness belongs or which of the alternative modes of travelling should be allowed in a particular case. A witness dissatisfied by his decision may request that a reference be made to the Judge. The Judge shall thereupon give such directions as he thinks just and proper in the case.

(2). Payment shall be made to the witness out of the amounts deposited with the Cashier after the witness has given evidence or he is discharged by the Judge, and a certificate to either effect has been given by the "Bench Clerk".

307. (1) The evidence of each witness shall be taken down and recorded in English or Hindi, as per the convenience of the Court. It shall be in narrative form and not in question - answer form except when so requested specifically by any party, and permitted by the Court, with respect to any particular question or answer for a specific requirement.

(2) The statement shall be typed, and signed by the witnesses and the Judge.

308. No commission for the examination of any witness will be issued unless the Judge considers it absolutely necessary, and the party at whose instance such commission is to be issued has deposited with the Cashier of the Court, within such time as may be fixed, such sum as the Court may consider reasonable for the purpose.

309. (1) No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation the accuracy of which is certified by an Advocate of the Court. Costs of the translations shall be at the discretion of the Court.

(2) Exhibit marks on documents and material objects shall be written by the Bench Clerk and signed by the Judge or under his orders by the Bench Clerk.

310. In case of filing of an application for withdrawal of an election petition, the cost for publication in the Official Gazette of the notice as required under sub-section (2) of Section 109 shall be realized from the petitioner, who shall deposit the necessary amount as soon as the withdrawal application is filed.

311. (1) Where an election petition abates under sub-section (1) of Section 112 of the Act, the notice of such abatement, as required by sub-section (2) of Section 112 of the Act, shall be published in the Official Gazette.

(2) No cost shall be realized for publication of the notice required under clause

(b) of sub-section (3) of Section 110, sub-section (2) of Section 112 and Section 116 of the Act.

(3) Unless otherwise directed by the Judge, the Official Gazette, in which the notice as required under sub-section (2) of Section 109, clause (b) of sub-section (3) of Section 110, sub-section (2) of Section 112 and Section 116 of the Act is to be published, shall be the State Gazette in case of election petitions relating to the State Legislatures and Gazette of India in case of election petitions relating to the Parliament.

(4) The office shall send such notice for publication in the Official Gazette within one week of the time when such publication becomes necessary.

312. As soon as an election petition is dismissed by the High Court under sub-section (1) of Section 86 of the Act, or the same has been finally disposed of on merits as provided under Sections 98 and 99, or the High Court passes an order under sub-section (1) of Section 116-B of the Act, the office shall intimate the order or the decision of the High Court to (i) the Commission and (ii) the Speaker or the Chairman, as the case may be, of the Houses of Parliament or of the State Legislature concerned; and thereafter, as soon as possible, it shall also forward to the Commission an authenticated copy of the judgment/order of the Court. The office shall also report the Commission as required by Section 111 of the Act, when an election petition is allowed to be withdrawn and orders are passed in that behalf by the High Court. Where an election petition abates and no attempt has been made for substituting another person for continuing the said petition as provided under Section 116 of the Act, and the Court passes a final order treating the petition as abated, the office shall report to the Commission.

313. The Chhattisgarh High Court Rules, except in so far as they are inconsistent with

Part (A) of this Chapter, shall apply *mutatis mutandis* to all election petitions. Where no specific provision is made in the Act, the Code or the High Court Rules, the Judge may pass such orders as he may consider necessary.

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(B) Rules under the Bankers' Books Evidence Act, 1891

314. A Bank ordered under the Bankers' Books Evidence Act. 1891 (XVIII of 1891) {hereinafter, in this Part (B) of this Chapter, referred to as the 'Act'} to supply certified copies of entries from its books shall be entitled to charge on the following scale :--

	Scale of fees
Searching fee- For each year or part of a year in respect of which search is made.	Rs. 5.00
Copies – For each Bank folio or part thereof.	Rs. 5.00
Certificate – For the certificate under Section 6 of the Act.	Rs. 5.00

A Bank folio for this purpose is a page of the Bank's books of not less than 40 and not more than 50 lines.

315. On an application/petition being preferred for an order under the said Act, the Court or a Judge may direct that notice of the application/ petition shall be served on the Bank or Banks named in the application/ petition. The application/petition shall set out particulars of the entries of which it is desired to obtain copies (or, if this is impossible, the year or years in which such entries will appear) and the materiality of such entries.

316. All applications/petitions shall be made in such sufficient time so as to allow three clear day's notice as required to be given under Section 6 (2) of the Bankers' Books

Evidence Act, and all applications/petitions not made in such sufficient time shall state the reason thereof.

317. The party who has obtained such order shall serve it upon the Bank or Banks affected and at the same time pay to the Bank or Banks the searching fee of which the amount shall be stated in the order.

318. Upon service of the order, the Bank or Banks shall forthwith cause search to be made and shall thereafter forthwith inform the party who has obtained the order the amount to be paid to such Bank or Banks for copies of the entries to be made in terms of the order.

319. Thereupon the party concerned shall pay to the Bank or Banks the amount so stated and also the fee for the certificate and the Bank or Banks shall upon receipt thereof forthwith prepare and deliver to the party the copies of the relevant entries together with the certificate as mentioned under Section 6 of the Act.

320. Nothing in the above rules shall be construed as derogating from the power of the Court or the Judge to make such orders as to costs in particular cases as may seem appropriate to it or him under Section 7 of the Act.

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(C) Rules under the Chartered Accountants Act, 1949

321. All cases received by the High Court under Section 21 of the Chartered Accountants Act, 1949 (hereinafter, in this Part (C) of this Chapter, referred to as "the Act") shall be registered as "Miscellaneous Civil Cases (Chartered Accountants)".

322. The Council of Institute of Chartered Accountants of India {hereinafter, in this Part (C) of this Chapter, referred to as "the Council"} shall forward to the High Court a set of material papers relating to the enquiry which will be regarded as the original

set. It shall include the following:-

(1) The finding of the Council;

(2) The Report of the Disciplinary Committee:

(3) Complaint or information;

(4) Written statement in defence;

(5) Deposition of witnesses, affidavits, exhibits and other oral and documentary evidence;

(6) Notes of the hearing before the Disciplinary Committee;

(7) Such other papers as were before the Disciplinary Committee and the Council as the Council may consider relevant or the High Court may require for the disposal of the case.

The Council shall also furnish the High Court with five additional identical copies of the papers aforesaid for insertion in the paper books.

323. A translation in English of the documents which are not in that language and are included in the material papers, shall be furnished by the Council under its own authority. If the High Court considers that an official translation shall be made in the High Court, the expenditure incurred in that behalf being recovered from the Council.

324. The Council shall forward along with the material papers a memorandum containing the full and correct postal addresses of all persons or authorities on whom notices are required to be served under Section 21 (6) of the Act.

325. On the case being registered, the Registrar (Judicial) shall fix a date for the hearing of the case and shall cause notice to be served under Section 21 (6) of the Act in the Form prescribed in the Annexure hereto. The date of hearing shall be so fixed that there will be an interval of not less than 15 days between the date of service of notice

and the date of hearing.

326. The notice shall be sent by registered post, acknowledgement due, at the expense of the Government to all persons to whom notices are required to be sent under the provisions of Section 21 (6) of the Act on the addresses supplied by the Council.

327. The case shall be placed for hearing before a Division Bench hearing Miscellaneous Appeals, and if no such Bench be available, before a Division Bench hearing First Appeals.

328. No advocate shall act for any person in these proceedings, unless he has been appointed for the purpose by such person by a document in writing signed by such person or by his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment.

329. In all, five copies of paper books shall be prepared in each case, one of which shall be delivered to the member reported against or his counsel, one to each of the advocates representing the Council and the State or Union of India as the case may be, and the remaining two copies shall remain with the record for the use of the Judges.

330. The paper book shall consist of the papers mentioned in Rule 322, but if the Council fails to submit the required number of copies, they shall be prepared by the Registry at the costs of the Council.

331. Except as otherwise provided in this Part (C) of Chapter-XVIII of these rules, the provisions of the Code of Civil Procedure, 1908, so far as may be, shall ordinarily apply.

332. The Registrar (Judicial) shall send certified copies of any order that may be passed by the High Court in the case to the Secretary to the Council and to the Secretary to the Government of India (Ministry of Finance).

ANNEXURE

FORM OF NOTICE

In the High Court of Chhattisgarh at Bilaspur

Miscellaneous Civil Case (Ch. Acc.) No. .... of ....

In the matter of the Chartered Accountants Act, Central Act (XXXVIII of 1949) and in the matter of Members of the Institute of Chartered Accountants of India.

The Council of the Institute of Chartered Accountants of India

.... Referring Authority.

.... Respondents.

To..

(1) .... Member of the Institute, the Respondent (above named).

(2) Secretary to the Council of the Institute of Chartered Accountants of India.

(3) Secretary to the Government of India (Ministry of Finance), New Delhi.

Whereas the Council of the Institute of Chartered Accountants of India has forwarded to this Court its findings dated the .... year .... and the report of the Disciplinary Committee dated the .... year .... in the above case.

Therefore, take notice that the .... day of .... year .... has been fixed for hearing and the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your

behalf either in person or through counsel or some one legally authorized to act for you, it will be heard and decided in your absence.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur, this .... day of .... year.............

By Order of the High Court
Section Officer

SEAL

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(D) RULES UNDER SECTION 4 OF THE POWERS OF ATTORNEY ACT, 1882

333. The Registrar (Judicial) shall have the custody of all instruments deposited in the Court under Section 4 (a) of the Powers of Attorney Act, 1882.

334. A register of all such documents shall be kept under the following headings :--

(1) Description of documents;

(2) Date;

(3) By whom deposited; and

(4) When deposited.

335. The following fees shall be paid by means of Court fee stamps under Section 4 sub-sections (a), (b) and (c) :

		Rs. P.
(1) For filing every power and other documents	100.00	
(2) For obtaining copy		10.00
(3) Where the copy is presented by the party @ Rs.5/- per folio	5.00	
(4) For searching and inspecting each set of documents	10.00	

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(E) RULES UNDER SECTION 73 OF THE COPYRIGHT ACT, 1957

336. In these rules made under this Part (E) of Chapter-XVIII of the Rules of the Court, unless there is anything repugnant in the subject or context,--

(1) 'Act' means the Copyright Act, 1957;

(2) 'Registrar of Copyright' includes the 'Deputy Registrar of Copyright' to whom any particular function of the Registrar of Copyrights may be assigned in pursuance of Section 10(2) of the Act;

(3) 'Board' means the 'Copyright Board' constituted under Section 11 (i) of the

Act:

(4) 'Court' means the High Court of Chhattisgarh at Bilaspur;

(5) '*Registrar*' and '*Deputy Registrar*' mean, respectively, Registrar (Judicial) and the Deputy Registrar of the High Court of Chhattisgarh;

(6) '*Section*' means a Section of the Act.

337. All appeals under Section 72 (2) shall be registered and styled as 'Miscellaneous Appeals'.

338. Every appeal under Section 72 (2) shall be made in the form of a memorandum signed by the appellant or his Advocate and shall be accompanied by a certified copy of the decision or order appealed from and shall set forth the grounds of objection concisely and under distinct heads. The memorandum and its annexures shall be filed in duplicate with a complete index of the papers filed.

339. Every appeal shall, soon after it is registered, be posted for orders before a Division Bench as to issue of notice to the respondents. The Court may either direct notice to issue and pass such interim order as it may deem necessary or reject the appeal.

340. (1) The service of notice to the respondent or respondents shall ordinarily be effected through registered post. An acknowledgement purporting to be signed by the respondent or the agent or an endorsement by a postal employee that the respondent or the agent refused to take delivery may be deemed by the Court to be *prima facie* proof of service. The appellant shall file as many copies of the memorandum of the appeal along with all annexures as there may be parties to be served and also the requisite number of postal envelopes bearing adequate postal stamps to enable service to be effected on the respondent or respondents by registered post with acknowledgement due.

(2) The notice of appeal shall be served on all the respondents effected and also on such other persons as the Court may direct :

Provided that on the hearing of any such appeal, any person who desired to be heard in opposition, and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with the notice of the appeal and shall be liable to costs in the discretion of the Court if so ordered.

(3) Notice meant for the Board shall be served on the Registrar of Copyright in the manner provided in clause (1) of this rule. The Board shall have a right to appear in the appeal through the Registrar of Copyright.

341. If the appellant does not remove the defect, if any, in the memorandum of appeal, or, if he does not file the requisites within a time to be fixed by the Registrar (Judicial), the appeal shall be laid before the Court for such orders as may be deemed fit.

342. When an appeal under Section 72 (2) has been admitted, the Registrar (Judicial) shall send for the record and on receipt thereof shall take steps for the preparation of paper books, so far as may be, in accordance with the rules of the Court regarding preparation of paper books in appeals from original orders.

343. Appeals under Section 72 (2) shall be heard by a Bench of not less than two Judges.

344. When an appeal under Section 72 (2) has been preferred, the Court may, on such terms and condition as it thinks fit, stay further proceedings in any matter relating to the copyright concerned before the Board till the disposal of the appeal.

345. Save as provided in the Act and these rules, the provisions of the Code of Civil Procedure and the rules of the Court shall apply *mutatis mutandis* to such appeals.

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(F) RULES UNDER THE CONTEMPT OF COURTS ACT, 1971

THE HIGH COURT OF CHHATTISGARH (CONTEMPT OF COURT PROCEEDINGS) RULES, 2007

346. (1) These rules, made under this Part (F) of Chapter XVIII of the Rules of Court, shall be called The High Court of Chhattisgarh (Contempt of Court Proceedings) Rules, 2007.

(2) They shall come into force on the date to be notified by the Chief Justice.

347. In this Part (F) of Chapter XVIII of these rules, unless there is anything repugnant to the subject or context:-

(1) 'Act' means the Contempt of Courts Act, 1971 (Act 70 of 1971):

(2) 'High Court' means the High Court of Chhattisgarh at Bilaspur;

(3) 'Code' means the Code of Criminal Procedure, 1973 (Act 2 of 1974);

(4) 'Subordinate Court' means any court subordinate to the High Court of Chhattisgarh;

(5) 'Registrar' means the Registrar (Judicial) of the High Court and shall include Additional/Deputy/Assistant Registrars;

(6) All other words and expressions used in this Part (F) of these rules but not defined herein shall have the meanings respectively assigned to them in the Act;

'Civil Contempt' and 'Criminal Contempt' shall have the same meaning as in the definitions in the Contempt of Court Act, 1971.

348. (1) Every petition for initiating proceedings under the Act shall be registered either as Contempt Case (Criminal) or as Contempt Case (Civil). Contempt Case (Criminal) shall be heard and decided by a Division Bench and Contempt Case (Civil) shall be heard and decided by a Single Bench.

(2) Notice of every Contempt Case (Criminal) shall be issued to the Advocate General.

(3) In a proceeding initiated by petition, the initiator shall be described as petitioner and the cause title shall be as follows :-

In Re...............(name, description etc. of contemner).

349. (1) Every petition, motion or reference made under Rule 348 shall contain in precise language the statement setting forth the facts constituting the contempt of which the person charged is alleged to be guilty and shall specify the date or dates on which the contempt is alleged to have been committed.

(2) When the petitioner relies upon any document or documents in his possession he shall file them along with the petition.

(3) Every petition for taking action under the Act, shall be supported by an affidavit and shall comply with the provisions of the rules relating to filing procedure, documents, and affidavits provided in these Rules.

350. (1) Reference under Section 15 (2) of the Act may be made by subordinate Courts either suo motu or on an application received by it.

(2) Before making a reference the subordinate Court shall conduct a preliminary enquiry by issuing a show cause notice accompanied by copies of relevant documents, if any, to the contemner and after receiving the reply, if any, of the show-cause notice the Subordinate Court shall write a concise reasoned order of reference indicating why contempt appears to have been committed.

351. Every motion made by the Advocate General under sub-section (2) of Section 15 of the Act shall state the allegations of facts made by the motion – maker, and consent of the Advocate General with brief reasons for grant of the consent.

352. In case of Civil Contempt, the Court concerned shall make a reference to the High Court by following, as far as possible, the same procedure laid down for reference in case of Criminal Contempt.

NOTICES

353. (1) Every notice issued by the High Court to the contemner shall be accompanied by a copy of motion, petition or reference, as the case may be, together with the copies of affidavits, if any, or other documents forming the basis of the action in Form No.1 appended to this Part (F) of these Rules.

(2) Such notices issued by the High Court shall be signed by the Registrar (Judicial) and shall be sealed with the seal of the High Court.

(3) Notice of every proceeding under this Act shall be served personally on the person charged, unless the Court, for reasons to be recorded, directs otherwise. In that case the service may be effected by alternative form of service authorized by the Code of Civil Procedure and the Chhattisgarh High Court Rules.

354. The Court may, if satisfied that the person charged is absconding or is likely to abscond or is keeping out or is likely to keep out of way to avoid service of the notice, order issue of warrant of his arrest which in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of section 17 of the Act. Such warrants in Form No.2 appended to this Part (F) of these rules may be endorsed in the manner laid down in Section 71 of the Code.

355. Whenever the High Court issues a notice, it may dispense with the personal attendance of the person charged with the contempt and permit him to appear through an advocate and in its discretion at any stage of the proceeding direct the

personal attendance of such person and if necessary enforce such attendance in the manner herein above provided.

356. (1) When any person charged with contempt appears, or is brought before the High Court and is prepared, while in custody or at any stage of the proceeding, to give bail, such person shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties with condition that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court:

Provided further that the Court may, if it thinks fit, instead of taking bail from such person release him on his executing a bond without sureties for his attendance as aforesaid, or without executing any such bond.

(2) The provisions of Sections 436 to 448 and 450 of the Code shall, so far as may be, apply to all the bonds executed under the Rules.

ENQUIRY

357. (1) Any person charged with contempt, other than a contempt referred to in section 14, may file an affidavit in support of his defence on the date fixed for his appearance or on such other date as may be fixed by the Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the Court may, in its discretion, convict him thereon and commit him to prison under warrant as per Form No.3 appended to this Part (F) of these Rules.

(3) If such person refuses to plead or does not plead, or claims to be tried or the Court does not convict him on his plea of guilt, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as it deems fit.

358. A paper-book consisting of documents specified in Rules 350 to 352 shall be filed by the petitioner or forwarded by the Court making reference, in quadruplicate, as the case may be.

359. In case where proceedings are initiated by the High Court, suo motu or on the motion of the Advocate General, the Registry shall prepare the paper-book in quadruplicate.

360. The rules contained in the Rules of Court pertaining to grant of copies, process fees and translation of documents and such other matters in respect of which no provision is made in this Part (F) of these Rules shall *mutatis mutandis* apply to the proceedings in the High Court and similarly when proceedings are pending in subordinate Courts, the Rules made by the High Court for the conduct of business of such subordinate Courts shall apply to those proceedings.

361. The Court may direct the Advocate General or any other State Counsel to appear and assist the Court.

362. The orders passed in the proceedings under the Act shall be carried out, enforced and executed as if they were orders passed by the High Court under the Code.

363. The Court may impose such fine as it deems fit in the circumstances of the case. The fine so awarded shall be recovered in the same manner as under the Code.

364. Repeal and savings.- On coming into force of this Part (F) of Chapter-XVIII of these Rules, all existing rules or the like governing any matter dealt with or covered by these rules shall stand repealed:

Provided that this repeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any order or proceeding made or issued under the existing rules before the coming into force of these Rules.

CONTEMPT OF COURTS CASE

FORM NO. 1

Notice to Accused

IN THE HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Criminal)/(Civil) No.

To

In Re...

(Here mention the name and address of the accused)

Whereas information is laid/a petition filed or Reference/motion is made by.......... that you (here mention the gist of the accusation made in the information, petition or reference/motion):

And whereas a case has been registered against you for action being taken against you under the Contempt of Courts Act, 1971.

You are hereby required to appear in person (or by an Advocate duly instructed)* on ....day of .... and show cause why such action as is deemed fit should not be taken against you.

Given under my hand and the seal of this Court, this .... day of...........

Seal Registrar

*Strike off if unnecessary

CONTEMPT OF COURTS CASE

FORM NO. 2

Warrant for production of accused

In the High Court of Chhattisgarh, Bilaspur

Contempt Case (Criminal)/(Civil) No.

In Re...

To

The Superintendent of Police

...................District.

Whereas..........the accused aforesaid has failed to appear before this Court to answer a charge of an offence under the Contempt of Courts Act, 1971 or satisfactorily account for his absence on......... which had been fixed for hearing of the case:

This is to require you to arrest the accused................ aforesaid and produce him before this Court and return this warrant duly executed on or before the........day of ....

If the accused aforesaid binds himself in a sum of Rs........... to this Court with one surety for a like sum before any Magistrate to appear on the said date of hearing and all future dates to which the case may be posted, with one surety for a like sum before any Magistrate, he may be released.

(The portion relating to bail shall be struck out if the Court has ordered a non-bailable warrant),

Herein fail not.

Given under my hand and the seal of this Court this......... day of ....

Seal. Registrar

* * *

CONTEMPT OF COURTS CASE

FORM NO. 3

Warrant of commitment to prison

In the High Court of Chhattisgarh, Bilaspur.

Contempt Case (Criminal)/(Civil) No...............

In Re..

To

The Superintendent of Jail

....

Whereas on the ....day of ....(Name of the prisoner in full) accused in the above case was convicted by this Court of an offence under the Contempt of Courts Act, 1971 and adjudged by the Court guilty of willful contempt of this Court / the Court of...........and was sentenced to suffer imprisonment for the period of ..../ and to pay a fine of....... (State the punishment fully and distinctly).

This is to authorize and require you the Superintendent to receive the said (prisoner's name) into your custody in the said jail together with the warrant and then carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court this....... day of ....

Seal Registrar

--- --- ---

(G) RULES FOR REGULATING TESTAMENTARY AND INTESTATE PROCEEDINGS

RULES OF PROCEDURE

365. (1) **Definitions.**—In this Part (G) of Chapter XVIII of the Rules of the Court, unless the context otherwise requires:-

(i) 'the Act' means the Indian Succession Act, 1925, as from time to time amended or modified.

(ii) 'Registrar' means the Registrar of the High Court, or such officer of such Court as may be authorized by the Chief Justice to perform such duties as are by these rules assigned to the Registrar.

(iii) 'Schedule A' means the Schedule attached to this Rule.

(iv) 'Will' includes a codicil.

(v) All other words and expressions used in this Rule but not defined herein shall have the meanings respectively assigned to them in the Act.

(2) **Non-contentious business.**— Non-contentious business shall include the business of obtaining probate and administration (with or without the will annexed, and whether general, special or limited) where there is no contention as to the right thereto, including the passing of probates and administrations through the Court in contentious cases when the contest is terminated, and all ex parte business to be taken in the Court in matters of testacy and intestacy not being proceedings in any suit and also the business of lodging caveats against the grant of probate of administration. It shall also include the business of obtaining succession certificate and extension of such a certificate.

(3) **Application-How to be written and presented.**—An application for probate or letters of administration, or succession certificate shall be accompanied with an affidavit and shall comply with the provisions regarding filing procedure, registration and listing of cases and shall be registered as Miscellaneous Civil Case.

(4) **Application for Probate.**—Application for probate shall be made with the will annexed. If the will is not in English it shall be translated into English by the official translators of the Court at the cost of the applicant for which he shall make a separate stamped application. The application for probate shall be in Form No.1 of Schedule A or as near thereto as the circumstances of the case may permit, and shall be accompanied by –

(i) an affidavit of one of the attesting witnesses, if procurable (in Form No.2 of Schedule A).

(ii) an affidavit of valuation in the form set forth in Schedule 3 of the Court-fees Act, 1870, and

(iii) a Schedule of property of the deceased (in Form No.3 of Schedule A).

(5) **Application for letters of administration.**—Application for letters of administration shall be made in Form No.4 of Schedule A or as near thereto as the circumstances of the case may permit and shall be accompanied by annexures (ii) and (iii) mentioned in the last preceding rule.

(6) **Application for letters of administration with the will annexed.**— Application for letters of administration with the will annexed shall be made in Form No.5 of Schedule A or as near thereto as the circumstances of the case may permit. It shall set out the names and addresses of the

legal representatives of the deceased, unless the Court thinks fit to dispense with the statement thereof, and shall be accompanied by the annexure referred to in sub-rule (4).

(7) (i) **Application for succession certificate.**—Application for succession certificate shall be in Form No.6 of Schedule A or as near thereto as the circumstances of the case may permit, and shall be accompanied by a Schedule of the property of the deceased. It shall also be accompanied by a petitioner's undertaking as specified in Form No.7 of Schedule A or as near thereto as the circumstances of the case may permit.

(ii) Where an application for a grant of representation such as probate, letters of administration or succession certificate is applied for within six months of the death of the deceased, the executor of the deceased shall annex to the affidavit of valuation to be filed in Court under Section 19-I of the Court Fees Act, 1870, an account of all the property in respect of which estate duty is payable upon the death of the deceased.

(8) **Certificate that no other grant has been made.**—Within 14 days of the filing of the application for probate or letters of administration, the Registrar shall certify (if such be the case) that no intimation has been received by the Court from any other High Court or District Court of any grant of probate or letters of administration of the property and credits of the deceased having effect throughout the territory of India. Such certificate shall be made in the order sheet, and shall be in Form No.8 of Schedule A.

(9) **Certificate as to Court fee.**—No order for the issue of a grant of probate or letters of administration or succession certificate shall be made until after the Registrar has certified either that the Court-fee payable on the grant has been

paid or that no court-fee is payable. Such certificate shall be made on the order-sheet and shall be in Form No.9 of Schedule A.

(10) **Delay in application.**—In any case where probate or administration or succession certificate is for the first time applied for after the lapse of three years from the death of the deceased, the reason of the delay shall be explained in the petition. Should the explanation be unsatisfactory, the Registrar may require such further proof of the alleged cause of delay as he may deem fit.

(11) **Proof of identity.**—The Court may, in cases where it deems it necessary, require proof, in addition to the usual statement required to be made in the petition, of the identity of the deceased or of the party applying for the grant.

(12) **Interlineations, alterations etc., in the will should be sworn to by the attesting witness.**—When interlineations, alterations, erasures or obliterations appear in the will (unless duly executed as required by the Indian Succession Act or recited in or otherwise identified by the attestation clause), a statement shall be made in the affidavit of the attesting witness whether they existed in the will before its execution or not.

(13) **In absence of attesting witness what other evidence must be produced.**— If no affidavit by any of the attesting witnesses is procurable, an affidavit shall be procured (if possible) from some other person, if any, who may have been present at the execution of the will, but if no affidavit of any such person can be obtained, evidence on affidavit must be produced of that fact and of the hand writing of deceased and one attesting witness and also of any circumstances which may raise a presumption in favour of due execution.

(14) **Attempted cancellation must be accounted for.**—Any appearance of an attempted cancellation of testamentary writing by burning, tearing,

obliteration or otherwise, and every circumstances leading to a presumption of abandonment or revocation of such writing or part thereof, shall be accounted for.

(15) **Unsigned or unattested will.**—In cases in which it is not necessary that a will should be signed by the testator or attested by witnesses to constitute a valid testamentary disposition of the testator's property, the testator's intention that it should operate as his testamentary disposition must clearly be proved on affidavit.

(16) **Renunciation.**— No person who renounces probate of a will or letters of administration of the property of a deceased person in one character shall without a leave of the Court, take out representation to the same deceased in another character.

(17) **Application for administration by a creditor.**—In all applications by a creditor for letters of administration, it shall be stated particularly how the debt or debts arose, the amount due on the date of the application, and whether the application has any and what security therefor.

(18) **Production of deed paper, etc. referred to in will.**—If a will contains a reference to any paper, memorandum or other document of such a nature as to raise a question whether it ought not to form a constituent part of the will, such paper, memorandum or other document should be produced with a view to ascertaining whether it is entitled to probate, and where not produced, its non-production must be accounted for.

(19) **Persons consenting to an application for letter of administration must do so on affidavit.**—Persons desiring to give their consent to an application for a grant of probate or for letters of administration or for succession certificate

must do so on affidavit, stating their relationship to the deceased and that they consent to such a grant.

(20) **Citation to rightful parties.**—On an application for probate or for letters of administration, unless otherwise ordered by the Judge or Registrar a citation shall issue to all persons having a right to take the grant prior or equal to that of the applicant, unless such persons have signified their consent to the application.

(21) **Citation on application by creditor.**—Where letters of administration are applied for by a creditor, a special citation shall be issued to the widow, if any and the next of kin, provided they shall be resident within the jurisdiction or have any known agent or agents resident within the jurisdiction, and to the Administrator General of Chhattisgarh, and a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.

(22) **Citation.**—All citations shall unless otherwise ordered, direct the persons cited to show cause on such day certain as the Court shall direct, and shall be in Form No.10 of Schedule A, and where they cannot be served in the manner provided for service of process, may be served by the insertion as an advertisement in such newspapers as may be directed, of a notice in Form No.11 of Schedule A.

(23) **Proof of Publication.**—Proof of due publication of a citation by advertisement shall be by an affidavit, unless the Court has directed that such citation be published once only in a single newspaper in which case a copy of the issue of the newspaper containing the said advertisement may be filed in lieu of the affidavit.

(24) **Proof of power of attorney.**—Unless a power of attorney constituting such attorney or the attorney of an executor absent from the State of Chhattisgarh can, under Section 85 of the Indian Evidence Act, 1872, be presumed to have been executed and authenticated as in the said section mentioned; the Court may require further proof of its due execution.

(25) **Grant when to have effect in Chhattisgarh.**--All grants of probate or letters of Administration, with or without the will annexed, other than grants under the Administrators-General Act, shall unless otherwise ordered, be drawn up by the Court to have effect within Chhattisgarh.

(26) **Grants when to have effect throughout India.**—In all cases in which it is sought to obtain a grant of probate or letters of administration, with or without the will annexed, to have effect throughout the territory of India, or under the Administrators-General Act to have effect throughout one or more of the other Divisions as defined in that Act, such grant must be expressly asked for and it must be shown where the assets are situated.

(27) **Two common sureties to the bond required.**—In all cases of letters of administration save and except under section 241, Indian Succession Act, 1925, unless the deceased is a Hindu, Mohammedan, Buddhist, Sikh or Jain and in cases of succession certificates which in the opinion of the Court fall under sub-sections (3) and (4) of section 373, two common sureties are required to the administration bond and to the succession certificate bond, and the bond in each case shall, unless otherwise ordered by the Court, be given in double the amount of the property for which the grant is to be made. The bond shall be given to and in the name of the Chief Justice, and shall be, as nearly as possible, in Form No.12 of Schedule A.

(28) **Justifying surety.**—When any person takes out letters of administration in default of the appearance of any person, cited, and when any person takes out letters of administration or succession certificates for the use and benefit of a lunatic, or person of unsound mind (unless he be a committee of the estate of such lunatic, appointed by the Court), or for the use and benefit of a minor (unless he be a guardian of the property of such minor appointed by the Court). surety or sureties to the bond must justify for the whole amount of the estate. And when any person entitled to a portion only of the estate takes out letters of administration, or succession certificate the sureties to the bond must justify for the whole estate less the share of petitioner and such shares as shall contest by writing thereto. The Court hearing testamentary matters may, however in a proper case and for reasons to be recorded in writing, dispense with the jurisdiction of surety.

(29) When such a bond has been filed the Court shall direct the surety to be tested, either by the Registrar or by the District Judge within whose jurisdiction the immovable property is situate.

(30) **Insurance Companies as Sureties.**—An approved Insurance Company may be accepted in place of two common sureties under sub-rule (27), and as justifying surety under sub-rule (28), and in such cases, the bond shall be given only for the amount of the property for which the grant is to be made. The bond given by the Company shall be as nearly as possible, in Form No.13 of Schedule A.

(31) **Consequences of neglect to proceed with petition or to furnish security.**—

If a petitioner for a grant of probate, letters of administration, or succession certificate, for three months from the admission of the petition neglects to proceed with the petition, or for three months of the date of the order for

grant neglects to give the required security or otherwise to proceed with the application or to take out the grant, the Registrar shall give notice in writing of his default to the Administrator-General, who may then apply to the Court for an order that the petition be dismissed and that he may be at liberty to apply for a grant of letters of administration.

If no further steps are taken in the matter, the petition may be posted before the Court for dismissal, and the Court may thereupon make such order as it thinks fit.

(32) **Schedule of property to accompany certificate under Section 274 of the Indian Succession Act or section 20 of the Administrators-General Act.**—With every certificate to be sent to a High Court, under the provisions of section 274 of the Act, or section 20 of the Administrators-General Act, 1963, the Registrar shall send a copy of so much of schedule of the property and, credits of the deceased as relates to the estate within the jurisdiction of such Court.

(33) **Amendment of grant extend to India.**—A grant under the Indian Succession Act, 1925, limited to the State of Chhattisgarh, may be amended by the Court's order so as to extend its effect throughout India. The application shall be by affidavit stating where the additional property and credits are suitable, and on payment of the probate duly payable in respect thereof, and in case of grant of letters of administration with or without the will annexed, on the petitioner giving a further bond, the grant may be amended accordingly.

(34) **Application for extension of Succession Certificate.**—The Court may extend a succession certificate to any debt or security not originally specified therein. Application for such extension shall be by a petition with all

accompaniments mentioned in sub-rule (7), stating the particulars of the debt or security and on the payment of duty payable in respect thereof and on the petitioner giving a further bond, if required, the certificate may be extended.

(35) **Inventory and account.**—The inventory and account to be furnished by an executor or administrator under section 317 of the Act shall be in Form Nos.14 and 15 of Schedule A respectively and shall be verified in the following manner :

'I .... the executor (or administrator), named in the above inventory, do hereby declare that the said inventory is in every respect true, perfect and correct to the best of my knowledge, by information received from .... and believed to be true, and that the same contains a full, true and perfect inventory of all the property in the possession of the deceased .... at the date of his death and of all credits owing to him, and of all debts owing by him;' or

'I .... the executor (or administrator), named in the above account, do hereby declare that the said account is true, perfect and correct to the best of my knowledge, by information received from .... and believed to be true and that it gives a full, true and perfect account of all the estate and effects of the deceased .... which has or have come into my hands, possession, power, control, custody or knowledge and of the disposition of the same.'

(36) **Probate of will of married woman or letter of administration etc.**—In grant of probate of the will of a married woman, or of the will of widow made during coverture, or letters of administration with such will annexed, it

shall not be necessary to recite, in the grant or in the oath to lead same the separate movable property of the testatrix or the power or authority under which the will has been or purports to have been made. The probates or letter cases shall take the form of ordinary grant of probate or letters of administration with the will annexed without any exception or limitation, and issue to an executor or other person authorized in usual course of representation to take the same.

(37) In case of doubt or difficulty in any non-contentious matters, the Registrar may obtain the direction of the Court or call upon the petitioner to move the Court for direction, when an application is on file.

Contentious Business

(38) **Caveats.**—Any person intending to oppose the issuing of a grant of probate, or letters of administration must, either personally or by his advocate, file a caveat in the office of the Registrar (Judicial) in Form No.16 of Schedule A. No caveat shall effect any grant made on the day on which the caveat is filed. Notice of the filing of the caveat shall be given by the Registrar (Judicial) to the petitioner or his advocate in Form No.17 of Schedule A.

(39) **Affidavit in support of Caveat.**—Where a caveat is entered after an application has been made for a grant of probate or letters of administration with or without the will annexed the affidavit or affidavits in support shall be filed within fourteen days of the caveat being lodged. Such affidavit shall state the right and interest of the caveat, and the grounds of the objection to the application.

(40) **When caveat is entered before application for grant is filed.**—Where an application for grant of probate or letters administration with or without the will annexed is presented after a caveat has been filed, the Registrar shall forthwith issue notice to the caveator, calling upon him to file his affidavit or affidavits in support of his caveat within fourteen days from the service of such notice.

(41) **Consequence of non-compliance.**—Where the caveator fails to file any affidavit in support of his caveat in compliance with sub-rule (39) or in compliance with the notice issued under sub-rule (40), the caveat may be discharged by an order to be obtained on application to the Court.

(42) **Conversion of application into suit.**—Upon the affidavit in support of the caveat being filed (notice whereof shall immediately be given by the caveator to the petitioner), the proceedings shall be numbered as a suit in which the petitioner for probate or letters of administration shall be the plaintiff, and the caveator shall be the defendants, the petition for probate or letters of administration being registered as and deemed a plaint filed against the caveator, and the affidavit filed by the caveator being treated as his written statement in the suit. The procedure in such suit shall as nearly as may be, according to the provisions of the Code of Civil Procedure, 1908.

(43) **Proof in solemn form.**—The party opposing a will may, with his affidavit give notice to the party setting up the will that he merely insists upon the will being proved in solemn force of law, and only intends to cross-examine the witnesses produced in support of the will, and he shall thereupon be at liberty to do so, and shall not, in any event be liable to pay the cost of the other side,

unless the Court shall be of opinion that there was no reasonable ground for opposing the will.

(44) **Trial on preliminary issue.**—The Court may, on the application of the petitioner, before directing that the proceedings be numbered as a suit, direct the trial of an issue as to the caveator's interest, and upon the trial of such issue if it appears that the caveator has no interest, the Court shall order the caveat to be discharged, and may order to issue the probate or letters of administration, as the case may be.

(45) **Notice of application to whom to be given.**—The Registrar shall give notice of grants of certificate for probate or letters of administration to the Chief Revenue Controlling Authority, and the Collector of the district within one week after the allowing of the application.

(46) **Disposal of petitions for non-prosecution.**—All Testamentary petitions in which grants or certificates are not issued, owing to non-prosecution of the petitions for two years after the petitions have been filed, shall be treated as disposed of, and no action shall be taken in such petitions, unless a fresh petition is filed or an order obtained from the Testamentary Judge (in Chambers), giving permission to the petitioner to proceed with the petition already filed.

(47) **Administrators-General Act, 1963.**—Nothing in this Rule shall apply to application or acts to be done by the Administrator-General, in so far as they conflict with the provisions of the Administrators-General Act, 1963.

Schedule A

Forms

FORM NO.1

Petition for Probate of a will

[See Rule 365 (4)]

(TITLE)

Petition for Probate of the will of..(a)

Deceased

....

Petitioner

States-

(1) That the above-named..........................(b) died. At ....on or about the.........day of........ 20..........

(2) That the said Deceased at the time of his death left (c) property within the Chhattisgarh.

(3) That the writing hereto annexed is the last will and Testament of the said..........

(4) That the said will was duly executed.........................(d) on the.........day of ....20.........

(5) That the petitioner is the Executor..(e) named in ....(f) the said will.

(6) The petitioner has truly set forth in Annexure I to his affidavit of valuation filed herewith all the property and credits which the deceased died possessed of or entitled to at the time of his death which have or are likely to come to his hands and

so far as the petitioner has been able to ascertain: or is aware. there are no property and credits other than what are specified in Annexure I aforesaid.

(7) That the petitioner has also truly set forth in Annexure II to his affidavit aforesaid (g) all the items that by law he is allowed to deduct.

(8) That the said assets. exclusive of what the deceased may have been possessed of or entitled to as a trustee for another and not beneficially or with power to confer a beneficial interest, and also exclusive of the items mentioned in the said Annexure II but inclusive of all rents, interests and dividends and increased value since the date of his death are under the value of Rs. ....

(9) That the said Deceased left him serving the following relatives as his only next of kin according to (h) .... law:-

(i) ....(Set out full names and address showing

(ii) .... relationship of each to the deceased and

(iii) ....also specifying who are minors).

(10) That no (i) application has been made to any District Court or to any other High Court for probate of any will of the said District or for letters of Administration with or without the will annexed to his property and credits.

(11) That the petitioner hereby undertakes duty to administer the property and credits of the said .... and in any way concerning his will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six . months from the date of grant of probate to the petitioner. and also to render to this Court a true account of the said property and credits within one year from the said date.

The petitioner prays that probate may be granted to him having effect throughout Chhattisgarh. (J)

I .... the petitioner above named do solemnly declare that what is stated in paragraphs .... is true to my own knowledge and that what is stated in paragraphs .... is true to information received from............................... and believed to be true.

....

Petitioner.

(a) Insert name in full and profession, if Deceased was a bachelor or spinster that should be stated.

(b) Insert name of the Deceased.

(c) Or, had a fixed place of abode within.

(d) State where.

(e) Or, one of the executors.

(f) Or, according to the tenor thereof.

(g) Full particulars of debts due by the estate Including name of creditors, of claim and the dates when they became due must be given in the Schedule.

(h) Here state what law.

(i) Or, if made, state to what Court, by what person and proceedings has been had.

(j) Or, throughout the territory of India.

FORM NO.2

AFFIDAVIT OF ATTESTING WITNESSES

[See Rule 365 (4) (i)]

(TITLE)

In the Matter of the petition for probate of the last will and Testament of Deceased

AFFIDAVIT

I.................................... of .... make oath (or solemnly affirm) and say as follows -

(1). That I knew and was well acquainted with the Deceased above-named.

(2) That on the ....day of ....I was present together with .... at .... and we did then and there see the said Deceased set and Subscribe his name at foot, of the Testamentary paper in the language and character hereunto annexed and marked with the letter "A" and declare and publish the same as and for his last will and Testament.

(3) That thereupon I, the Deponent and the said .... did at the request of the said Deceased and in his presence and in the presence of each other all being present at the same time set and subscribe our respective names and signatures at foot of the said testamentary paper as witnesses thereto.

(4) That the name and signature subscribed at foot of the testamentary paper as of the party executing the same is in the paper handwriting of the said Deceased and the name, signature and additions also subscribed and written at foot of the said testamentary paper as of the parties attesting execution of the same are in the proper respective handwritings of the said .... and of me this Deponent respectively.

(5) That at the time of the said Deceased so subscribed his name and signature to the said Wills as aforesaid the said Deceased was of sound and disposing mind, memory and understanding, and to the best of my belief made and published the same of his free will and pleasure.

Declarant

Sworn before me on the .... day of .... 20 .. by .... son of .... who is personally known to me (or) who has been identified by ....whose signature is/signatures are thereto appended..

(SEAL)

... .

(Signature).
(Designation)

FORM NO.3

SCHEDULE OF PROPERTY OF THE DECEASED

[See Rule 365 (4) (iii)]

(TITLE)

Petition for .... Petitioner

ANNEXURE A

Valuation of the movable and immovable property

	Rs.	p.
Cash in the house- and at the banks, household goods, wearing apparel, books, plate, jewels, etc. (State estimated value according to best of executor's or administrator's belief)	..	..
	Rs..	p.
Property in Government Securities transferable at Public Debt Office.	..	..
(State description and value at the price of the day; also the interest separately calculating it to the time making the application.)	.. ..	..
Immovable property consisting of (State description giving. in the case of houses. the assessed value, if any; and the number of years' assessment, the market value is estimated at, and, in the case of land, the area, the market value and all rents that have accrued.)		
Lease hold property -	.. ..	..

(If the Deceased held any leases for years determinable, state the number of years' purchase, the profit rents estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to time of the making the application.)

Property in public companies- .. .. ..

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application. Policy of insurance upon life money out on mortgage and other securities, such as bonds, mortgages, bills, notes, and other securities, for money.)

(State the amount of the whole, as the interest separately calculating it to the time of making the application.)

Book Debts- .. .. ..

(Other than bad.)

Stock in trade - .. .. ..

(State the estimated value, if any.)

Other property not comprised under the foregoing heads- .. .. ..

(State the estimated value, if any.) ---------------

Total

Deduct amount shown in Annexure B not

subject to duty ---------------

Net total ---------------

Petitioner

ANNEXURE B

Schedule of debts etc.

	Rs. P.
Amount of debts due and owing from the deceased, payable by law out of the estate, (a)	.. .. ..
Amount of funeral expenses.	.. .. ..
Amount of mortgage encumbrances.	.. .. ..
Property held in trust not beneficially or with general power to convert a beneficial interest.	.. .. ..
Other property not subject to duty.	.. .. ..
Total	

Petitioner.

(a) Full particulars of debts with names of creditors and dates of debts must be given.

FORM NO.4

Petition for letters of administration

[See Rule 365 (5)]

(TITLE)

Petition for Letters of Administration of the Property and Credits of (a) ....
.... Deceased

.... Petitioner.

States-

(1) That the above named ....died at ....on or about the .... day of 20 ....

(2) That the said Deceased at the time of his death left (b) property within Chhattisgarh.

(3) That the said Deceased died intestate and that due and diligent search has been made for a will but none has been found.

(4) That the said Deceased left him surviving as his only next-of kin (or, the following legal representatives) according to (c) .... law.

(Set out the full names and addresses showing the relationship of each to the Deceased and specifying who are minors.)

(5) That the Petitioner ....(d) of the .... Deceased claims to be entitled to a .... share of his estate.

(6) That the petitioner has truly set forth in Annexure I to this affidavit of valuation filed herewith all the property and credits which the deceased died possessed of or entitled to at the time of his death which have or are likely to come to the petitioner's hands, and, so far as the Petitioner has been able to ascertain, or is

aware. there is no property and credits other than what are specified in Annexure I aforesaid.

(7) That the petitioner has also truly set forth in Annexure II to his affidavit aforesaid (e) all the items that by law he is allowed to deduct.

(8) That the said assets exclusive of what the Deceased may have been possessed of or entitled to as a trustee for another and not beneficially or with power to confer a beneficial interest and also exclusive of the items mentioned in the said Annexure II but inclusive of all rents, interest and dividends and increased value since the date of his death are under the value of Rs........

(9) That the (f) application has been made to any District Court or to any High Court for Probate of any will of the said Deceased or Letters of Administration with or without the will annexed to his property and credits.

(10) That the Petitioner hereby undertakes duly to administer the property and credit of the said Deceased and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration to him and also to render to this Court a true account of the said property and credits within one year from the said date.

The Petitioner, therefore, prays that Letters of Administration, may be granted to him having effect throughout Chhattisgarh. (g).

I .... the petitioner above-named, do solemnly declare that what is stated in paragraphs .... is true to my own knowledge and that what is stated in paragraphs ....is true to information received from ....and .... believed to be true.

....

Petitioner.

(a) Insert name in full and profession. If Deceased bachelor or spinster that should be stated.

(b) Or, had a fixed place of abode within.

(c) Here state what law.

(d) State the relationship to the Deceased.

(e) Full particulars of debts due by the estate including names of creditors amounts of claims and the dates when they became due must be given in the Schedule.

(f) Or, if made state to what Court by what person and what proceedings have been had.

(g) Or, throughout the territory of India.

FORM NO.5

Petition for Letters of Administration with will annexed

[See Rule 365 (6)]

(TITLE)

Petition for Letters of Administration with Will annexed of the Property and Credits of (a) .... Deceased. ....Petitioner.

States-

(1) That the above named ....(b) died at ....on or about the day of .... 20........

(2) That the said Deceased at the time of his death left (c) property within the Chhattisgarh.

(3) That the writing hereto annexed and marked 'A' in his last will and Testament.

(4) That the said Will was duly executed ....(d) on the ....day of .... 20 ....

(5) That by the said Will the Deceased appointed (e) sole Executor thereof, but he has since died, namely on the .... day of .... 20...... without proving the said will, and that the Petitioner is the (f) .... of the Deceased.

(6) That the Petitioner has truly set forth in Annexure I to his affidavit of valuation filed herewith all the property and credits which the Deceased died possessed of or entitled to at the time of, his death which have or are likely to come to his hands, so far as the Petitioner has been able to ascertain, or is aware, there are no property and credits other than what are specified in Annexure I aforesaid.

(7) That the Petitioner has also set forth in Annexure II to his affidavit aforesaid (g) all the items that by law he is entitled to deduct.

(8) That the said assets, exclusive of what the Deceased may have been possessed

of or entitled to as a trustee for another or others and not beneficially or with power to confer a beneficial interest, and also exclusive of all rents, interest and dividends and increased value since the date of the Deceased's death are under the value of Rs. ....

(9) That the said Deceased left him surviving the following relatives as his only next-of-kin according to (h) .... law :-

(i) ....(Set out names and addresses showing;

(ii) .... relationship of each to the Deceased; and

(iii) ....also specifying who are minors).

(10) That no (i) application has been made to any District Court or to any other High Court for probate of any will of the said Deceased or Letters of Administration with or without the will annexed to his property and credits.

(11) That the Petitioner hereby undertakes duly to administer the property and credit of the said ....and in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of Administration to the Petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

The Petitioner prays that Letters of Administration with the said Will annexed may be granted to him as the...................................... of the said Deceased having effect throughout the Chhattisgarh (j).

I.............the Petitioner above-named do solemnly declare that what is stated in paragraphs .... is true to my own knowledge and what is stated in paragraphs .... is true to information received from.............. and believed to be true. ....

....

Petitioner

(a) Insert name in full and profession. If Deceased was a bachelor or spinster that should be stated.

(b) Insert the name of the Deceased.

(c) Or had a fixed place of abode within.

(d) State where.

(e) Or no executor as the case may be.

(f) Enter relationship.

(g) Full particulars of debts due by the estate including names of creditors amounts of claims and dates when they become due must be given in the Schedule.

(h) Here state what law.

(i) Or state If prior application made.

(j) Or throughout the territory of India.

FORM NO. 6

[See Rule 365 (7) (i)]

Petition for succession certificate in respect of certain sureties/debts belonging to deceased.

In the High Court of Judicature at Bilaspur.

Testamentary and Intestate Jurisdiction.

.... :...

.... Petitioner

States-

(1) That the above-named..........................[1] died at ....in or about the ....day of .. .. 20......

(2) That the said Deceased died intestate and that due and diligent search has been made for a will but none has been found.

Or

The said deceased leaving a will dated...... ....and executed at ....a copy of which is hereto annexed and marked 'A'.

(4) That the said Deceased at the time of his death left him surviving his only next-of-kin according to (a) ....law residing at -

(5) That the Petitioner as (b) of the Deceased claims to be entitled to a share of

the estate.

(6) That there is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provision of this Act or any other enactment to the grant of the certificate or the validity thereof, if it were granted.

(7) That the Petitioner has truly set forth in Schedule I hereto the securities in respect of which the certificate is applied for. The Succession Certificate is required for purpose of (c) .... The said assets in respect of which the Succession Certificate is required are under the value of Rs.........

(8) That no application has been made to any District Court or Delegate or to any High Court for Probate of any Will of the said Deceased or for letters of Administration with or without the Will annexed to his property and credits.

(9) That no application for Succession Certificate in respect of an:' debt or security belonging to the estate of the Deceased has been (d) .... made to any District Court or Delegate or to any High Court.

The Petitioner, therefore, prays that a Succession Certificate may be granted to the Petitioner in respect of debts and securities set forth in Schedule I hereto with power to ....

I .... the Petitioner above named, do solemnly declare that what is stated in paragraphs .... is true to my knowledge and that what is stated in the remaining paragraphs is true to information received from ....and believed to be true.

....

Petitioner

(a) State Law.

(b) State relationship to the Deceased.

(c) Mention the purpose for which the certificate is required.

(d) Or if made, state to what Court, by what person and what proceedings have been taken.

FORM NO.7

[See Rule 365 (7) (i)]

Petition for succession certificate in respect of certain Securities belonging

[1] To .... Deceased.

In the High Court of Judicature at Bilaspur

Testamentary and Intestate Jurisdiction.

.... Petitioner

I .... undertake that I will well and truly administer the securities (or debts) comprised in the Succession Certificate to be granted to me and that, I will render a true account. thereof unto' the High Court of Judicature at Bilaspur within one year from the date of grant to be made to me or within such further time as the Court may from time to time appoint.

....

Petitioner

FORM NO.8

[See Rule 365 (8)]

Certificate that Court Fee has been made

I hereby certify that intimation has been received by this Court from any other High Court or any District Court of any grant of Probate of any Will or Letters of Administration of the property and credits of the above named deceased having effect through out the territory of India.

Dated this day of .... 20 .....

....

Registrar

FORM NO.9

[See Rule 365 (9)]

Certificate that Court-fee has been paid

I hereby certify that the ad valorem fee prescribed by Schedule I clause II of the Court-fees Act 1870, amounting to Rs. .... has been paid.

Dated this...................... day of............20 ....

....

Registrar

FORM NO. 10

[See Rule 365 (22)]

Citation (Ordinary Form)

(TITLE)

CITATION

Whereas an application (a copy whereof is attached) has been made to this Court by... of for the grant of Probate of the Will/Letters of Administration to the estate/Succession Certificate in respect of any debt or securities belonging to the estate of the Deceased who died at .... on the day of .... 20....

And whereas the .... day of...................20..... has been fixed for hearing the said application THIS CITATION is issued calling upon you, should you claim to have any interest in the estate of said Deceased, to come and see the proceedings before the grant of Probate (or Letters of Administration, or Succession Certificate).

Given under my hand and the seal of the Court this day .....of 20.....

Advocate of applicant **Deputy Registrar**

To

FORM NO. 11

[See Rule 365 (22)]

Citation (By Advertisement)

(TITLE)

CITATION

Whereas application has been made................... of .... for the grant of Probate of the Will/Letters of Administration to the estate/ Succession Certificate in respect of any debt or securities belonging to the estate of the deceased who died at ....on .... 20 ....

And whereas the................. day of .... 20 .... has been fixed for hearing of the said application. This citation is issued calling upon all persons claiming to have any interest to come and see the proceeding if they think fit before the grant of Probate (or Letter of Administration or Succession Certificate).

Given under my hand the seal of the Court this...................... day of 20 ......

Deputy Registrar.

FORM NO. 12

[See Rule 365 (27)]

Bond (Ordinary form)

(TITLE)

BOND

Know all men by these presents that we, A, B of C, D, of .... and E, F, of ....are held and firmly bound unto the Hon'ble .... the Chief Justice of the High Court of Judicature at Bilaspur, in the sum of Rupees ...... of good and lawful money to be paid to the said Hon'ble the Chief Justice of the said

High Court for the time being for which payment we do hereby bind ourselves, each of us binds himself for the whole, our and each of our heirs, executors, and administrators, unto the said Hon'ble the Chief Justice, his successor in office, or assigns firmly by these presents.

Signed and dated the .... day of ....Two Thousand and ....

The condition of the above written obligation is such that of the above bounden .... the administrator *(s)*of the property and creditors of .... Deceased do make or cause to be made a full and true inventory, of all the estate of the said Deceased which has or shall come to the hands, possession, or knowledge of him/them the said Administrator (s) or into the hands of any other person or persons for him/them. and the same so made do exhibit or cause to be exhibited into the High Court at or before the .... day of ....next ensuing or within such further time as the Court may from time to time appoint.

And the same estate, and all other estate of the said Deceased at the time of his/her death, which, at any time after, shall come to the hands or possession of the said Administrator(s) or of any other person or persons for him/ them do administer according to law.

And further do make, or cause to be made, a true and just account of his/their said administration at or before the day of .... and .... or within such further time as the said High Court may from time to time appoint. All the rest and residue of the said estate shall deliver and pay into such person or persons respectively as shall be lawfully entitled in such residue. (And if it shall hereafter appear that any last Will was made by the said Deceased and the executor or executors therein named to exhibit the same into the said High Court, if the said Administrator(s) being thereunto required to render and deliver the said letter of Administration to him/them granted (approbation of each Will being first had and made in the said Court) then this obligation to be void and of no effect, else to remain in full force.

Signed by the said A. B. C. D. and E. F. in the presence of ______________.

FORM NO. 13

[See Rule 365 (30)]

Bond (Insurance Co.)

(TITLE)

BOND

Know all men by these presents that I,..........................and we .... Insurance Co. Limited carrying on business in the Chhattisgarh at .... through......... (hereinafter called the Company) are held and firmly bound unto the Hon'ble the Chief Justice of the High Court of Judicature at Bilaspur, in the sum of Rupees .... of good and lawful money to be paid to the said Hon'ble .... the Chief Justice of the said High Court for the time being for which payment I, the said .... do hereby bind ourselves, for the whole my heirs, executors, and administrators, and we the company for ourselves and our successors do bind and oblige ourselves for the whole unto the said Hon'ble the Chief Justice, his successor in office, or assigns firmly by these presents and we the Company do hereby submit ourselves to the Jurisdiction of the said High Court. Signed by the said and also sealed with the seal of the said Company

and dated the .... day of .... Two Thousand and ....

The condition of the above written obligation is such that if the above bounden the administrator (s) of the property and creditors of Deceased do make a full and true inventory, of all the estate of the said Deceased which has or shall come to the hands, possession of any other person or persons for him/them, and the same so made do exhibit or cause to be exhibited into the High Court, at or before the ....day of ....next ensuing or within such further time as the Court may from time to time appoint. .

And the same estate, and all other estate of the said Deceased at the time of his/her death, which, at any time after, shall come to the hands or possession of the said Administrator(s) or of any other person or persons for him/ them do administer according to law.

And further do make, or cause to be made, a true and just account of his/ their said administration at or before the .... day of .... Two Thousand and .... or within such further time as the said High Court may from time to time

appoint.

All the rest and residue of the said estate shall deliver and pay into such person or persons respectively as shall be, lawfully entitled in such residue.

(And if it shall hereafter appear that any last Will or testament was made by the said Deceased and the executor or executors therein named to exhibit the same into the High Court making request to have if allowed and approved accordingly, if the above boundedbeing thereunto required, do render and deliver the letters of Administration to him/them granted (approbation of such testament being first had and made in the said High Court) then this obligation to be void and of no effect, else to remain in full force.

Signed by the said........................ in the presence of............ Signed on behalf of the said Company by........... .... and in the presence of ....

FORM NO. 14

[See Rule 365 (35)]

Inventory

(TITLE)

INVENTORY

(To be filed within six months from grant of probate or letters of administration)

Property in possession of executor or Administrator

Immovable property					Movable property	
Descrip-tion	Govern-ment revenue payable (if any)	Recorded rental (if any)	Estimated market Value		Descrip-tion	Estimated value
1	2	3	4		5	6
	Rs.	Rs.	Rs.			Rs.

Credits Debits Property bequeathed by will of Deceased

Amount Due to estates	From whom due	Nature of Security (if any)	Amount Due	To whom Due by estate	On what account	Amount or value	To whom bequeathed.
7	8	9.	10	11	12	13	14
Rs.			Rs.	Rs.		Rs.	Rs.

FORM NO. 15

[See Rule 365 (35)]

Account

(TITLE)

ACCOUNT

(To be filed within one year from grant of probate or letter of administration).

Assets					Application or disposal of assets			
Property possession in of executor under the Inventory From	Income from such property	Credits realized out of those entered in the inventory	Other assets or credits recovered or realized.	Total assets which have come into the hands of executors or administrator up to date of filing the account	Debts paid out of those entered in the inventory	Legacies paid out of those entered in the inventory	Other payments made	Total payment
1	2	3	4	5	6	7	8	9

FORM NO. 16

[See Rule 365 (38)]

Caveat

(TITLE)

CAVEAT

.... Caveator

(Name, address, description and occupation of Caveator).

Sir,

Let nothing be done in the matter of the estate of the above named deceased. who filed at on or about the .... day of ....20 .... without due notice to the above-named Caveator,

Yours faithfully,

Dated at ....day of ....20 .....

Advocate for the Caveator.

FORM NO. 17
[See Rule 365 (38)]

Notice of a Caveat

(Title)

To .

Advocate for the petitioner

Take notice that on the day of ....20 ...... a caveat was filed in this Court in the above petition by ....

Yours faithfully,

Registrar

Registrar's Office

The .....day of 20...

--- --- ---

(H) RULES UNDER SECTIONS 14 AND 21 OF THE HINDU MARRIAGE ACT, 1955

366. In exercise of the powers conferred by sections 14 and 21 of the Hindu Marriage Act, 1955 (Act XXV of 1955), the High Court is pleased to make the following rules to regulate proceedings under the said Act.

(1) Every petition under the Hindu Marriage Act (Act XXV of 1955) hereafter called the "Act" shall be accompanied by a certified copy of extract from the Hindu Marriage Register maintained under section 8 of the Act or from the Register of Marriage maintained under any other Act where the marriage has been registered under some other Act and where a certified copy of extract can be granted to the petitioner.

(2) **Contents of petitions.** – Every petition shall state –

(i) The name of the Court in which the petition is presented;

(ii) The name of the parties, their ages, description and places of residence;

(iii) The place and date of marriage;

(iv) The principal addresses at which the parties to the marriage reside or last resided together, within the jurisdiction of the Court;

(v) Whether there is any living issue of the marriage, and if so, the names and dates of birth of such issues;

(vi) Whether there have been in any Court in India previous proceedings with reference to the marriage by or on behalf of either of the parties, and if so, the particulars and the results of such proceedings;

(vii) Details of the facts specified in section 20 (1) of the Act so far as they are known to the petitioner. In particular the details shall include –

(a) If the petition is for restitution of conjugal rights, the date when and the circumstances in which the respondent withdrew from the society of the petitioner;

(b) If the petition is for judicial separation –

(i) the date and place of the desertion, cruelty, or sexual intercourse which is made the grounds for relief and in case of sexual intercourse, the name and address of the person or persons with whom the respondent had sexual intercourse;

(ii) the period of leprosy, venereal disease or unsoundness of mind which is made the ground for relief;

(c) If the petition is for a decree of nullity on the grounds of contravention of section 5 (i) of the Act, the name and address of the spouse;

(d) If the petition is for a decree of nullity on the grounds specified in clause (c) of section 12 (1) of the Act, the date and particulars of the force or fraud, as the case may be, by which the consent was obtained and the date on which the force ceased to operate or the fraud was discovered;

(e) If the petition is for divorce on the ground of –

(i) Conversion, unsoundness of mind, leprosy, venereal disease, renunciation of the world or another marriage, the date and place of the act or the particulars of the disease;

(ii) Adultery, rape or sodomy, the date and place of the act or acts and the name and address of the person or persons with whom these acts were committed by the respondent;

(iii) Presumption of death, the last place of co-habitation of the parties, the circumstances in which the parties ceased to cohabit, the date when and the place where the respondent was last seen or heard of and the steps which have been taken to trace the respondent.

(viii) The property mentioned in section 27 of the Act, if any relief is claimed in respect thereof;

(ix) Relief or reliefs.

(3) **Application for leave under Section 14 of the Act.**– Where any party to the marriage desires to present a petition for divorce within one year of such marriage, he or she shall apply by an application for leave of the Court –

(i) The application shall be accompanied by the petition intended to be filed.

(ii) The application shall be supported by an affidavit made by the applicant and shall state the following particulars: -

(a) the ground on which the application is made;

(b) particulars of the hardships or depravity alleged;

(c) whether there has been any previous application for this purpose, if so, its details;

(d) whether there are any living children of the marriage, and if so, their names and dates of birth or ages, and where and with whom they are residing;

(e) whether any, and if so, what attempts for reconciliation have been made;

(f) any other circumstances which may assist the Court to determine the question whether there is reasonable probability of a reconciliation between the parties.

(iii) Notice of the application along with the copy of the application and of the petition shall be served on the respondent.

(iv) When the Courts grants leave, the petition shall be deemed to have been duly filed on the date of the said order.

(4) **Application for alimony and maintenance:-** Every application for alimony and maintenance shall be supported by an affidavit made by the applicant and shall state the average monthly incomes of the petitioner and the respondent, the source of these incomes, particulars of other movable and immovable property owned by them, the number of dependents on the petitioner and the respondent, and the names and ages of such dependents.

(5) **Notice.-** The Court shall issue notice to the respondent and co-respondent, if any. The notice shall be accompanied by a copy of the petition. The notice shall require, unless the Court otherwise directs, the respondent or co-respondents to file his or her statement in court within a period specified by the Court along with a copy for the use of the petitioner.

(6) **Service of petition:-** Every petition and notice under the Act shall be served on the party affected thereby in the manner provided for service of summons under Order V of the Civil Procedure Code.

(7) **Taxation of Costs:-** Unless otherwise directed by the Court, the costs of the petition under the Act shall be costs as taxed in a suit.

(8) **Transmission of certified copy of the decree:-**The Court shall send a certified copy of every decree of nullity or divorce to the Registrar in-charge

of the Hindu Marriage Register maintained under the Act or to the officer in charge of the Marriage Register maintained under any other Act containing an entry about the marriage annulled or dissolved by the decree.

(9) **Appeals: -** Appeals to the High Court from the decrees and orders of the District Court shall be governed by the Rules of the High Court as far as may be applicable.

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(I) RULES UNDER SECTION 50(1) EXCEPT CLAUSES (a) & (i) OF THE GUARDIAN AND WARDS ACT, 1890

CHHATTISGARH GUARDIANS AND WARDS RULES, 2007

367. (1) In this rule, "the Act" means the Guardians and Wards Act, 1890.

(2) An application for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both as required by section 10 of the Act, shall be in Form-A as prescribed with such variations as the circumstances of each case may require.

(3) Where the father of a minor is living, and is not proposed as guardian, the application shall state any facts relied on as showing that he is unfit to act as guardian of the minor or that he consents to the application.

(4) Notice of the application as required by section 11 of the Act shall be in Form B as prescribed and shall be issued and served in the manner prescribed for summons to a defendant.

(5) When a guardian is appointed or declared under the Act, he shall be furnished with a certificate of guardianship in Form C as prescribed and his attention should be drawn to the provisions of Sections 26, 27, 28, 29, 32, 33, 35, 36, 39, 44 and 45 of the Act, which contains the following instructions and information:-

(i) That he shall not remove the ward from the limits of the Court's jurisdiction {Section 26 of the Act}.

(ii) That he should take due care of the properties entrusted to him in the manner stated in Section 27.

(iii) That he is not authorized to make transfers or do any of the acts mentioned in Sections 28 and 29 without the permission of the Court.

(iv) That in the case of a guardian, other than the Collector, his powers are liable to be restricted or extended by order of the Court (section 32).

(v) That he can, in the case of necessity, submit any question relating to the management of the property of his ward for the opinion or advice of the Court (section 33).

(vi) That in cases mentioned in sections 35 and 36, the remedies provided therein are available against him.

(vii) That for reasons stated in section 39, he is liable to be removed from his office.

(viii) That for reasons given in sections 44 and 45, he is liable to the penalties stated therein.

(ix) That he is in general bound by the provisions of the Act, the rules framed or to be framed thereunder and the order of the Court passed under the Act. His attention shall also be drawn to any special restrictions on the powers as guardian which may be imposed by the Court at the time of issuing the certificate.

Note: No ministerial officer employed in the Judicial Department shall be appointed or declared as such officer to be guardian of the person or the property of a minor nor shall any such official be appointed or declared as aforesaid in his private capacity, unless he has been appointed by will or other instrument or is by reason of relationship to the minor or other special circumstances unconnected with his official position suited to act as guardian.

(6) Every guardian appointed or declared by the Court, except when he is the Collector of the district, shall ordinarily be required to give a bond, with or without a surety or sureties, as the Court may think fit to direct, for a sum not less than the total estimated value of the moveable property and three year's profits of the whole estate. Such bonds shall be in Form D as prescribed, with such variations as the circumstances of each case may require.

(7) At the time of appointing or declaring a guardian, the Court shall pass orders as to the allowances, if any, to be granted to, and the security to be required from, such guardian.

(8) The statements showing the property of a ward and the debts due, as required by clause (b) of section 34 of the Act shall be in Forms E (1) and E (2) respectively, as prescribed.

(9) (i) Applications with respect to the guardianship of the person or property of a minor and applications under section 31 of the Act for sanction for the sale of the property of a minor, and proceedings taken in connection with the accounts of each year shall be entered in the register of Miscellaneous Judicial Cases.

(ii) For statistical purposes, an application for an order of guardianship shall be treated as "disposed of" as soon as a guardian has been appointed and has furnished the requisite security or the application has been rejected or dismissed, as the case may be.

(iii) An application under section 31 shall be treated as "disposed of" as soon as the permission for sale etc. has been given or refused.

(iv) Proceedings in connection with annual accounts shall be treated as "disposed of" as soon as the Court after an examination of the accounts by itself or by an officer appointed for the purpose has satisfied itself of the correctness thereof or proceedings taken in consequence of such examination have terminated.

(10) In ordinary cases, a fly-sheet, and in large cases, a book, in Form F as prescribed shall be maintained for each estate and all miscellaneous judicial cases in connection with the estate from the appointment of the first guardian till the ward concerned attains majority shall be shown in it.

(11) A register of estates of wards in Form G as prescribed shall also be maintained. As soon as an estate has passed out of the hands of the Court a line in red ink shall be drawn across the entry. When on account of a register having been completely filled and another register is to be opened, all pending entries in the old register shall be copied in the new register. The register shall be preserved for 25 years from the date of the last entry therein:

(12) In the case of estates of which the annual income is not over Rs.500/- accounts need not ordinarily be submitted by the guardian, but the Court may at any time call upon the guardian to submit such accounts as it thinks

necessary. In other cases the Court shall direct the guardian, except when he is the Collector of the district, to submit an account of the income and expenditure of the ward's estate once a year. Account of agricultural estates should be submitted within three months after the close of the agricultural year of the revenue district in which the estate lies, and accounts of trading, money-lending and other estates by the 1st January.

(13) Before disposing of an application made by a guardian for any of the purposes referred to in sections 28 and 29 of the Act the Court shall ordinarily cause due notice of such application to be given to such persons, whether relatives of the ward or otherwise connected with him, as may be held by the Court to be affected by such application.

(14) The ward, if a male, shall in the absence of sufficient reason to the contrary, be produced on each occasion when the accounts are submitted, and if the submission of annual accounts has been dispensed with, whenever the Court directs. The Court shall, as far as possible, examine his physical, intellectual and moral condition, and ask him whether he has any remarks to make regarding the management of his estate and his own treatment and comfort.

(15) All statements and accounts produced by the guardian shall be kept with the files of the case concerned and shall be open to inspection, with the permission of the Court, by persons legitimately interested in the same. No fees shall be charged for this inspection.

(16) When a guardian has been appointed by the Court, he shall be required, except in the case of estates of which the income is not over Rs.500/-, to open an account, in his own name, on behalf of the ward at a Bank or with a firm to be approved by the Court. Any surplus moneys which may

remain over after the current expenses of the estate and the ward's maintenance and education have been paid shall be invested by the guardian in Government Promissory Notes or other securities approved by the Court.

(17) In cases in which the ward's estate is under the management of Government. District Judge, Collector, or other Government officer, surplus moneys may be invested in Government Promissory Notes which should be deposited in the treasury for safe custody. The income of the estate, required for current expenditure in connection with the management of the estate and the maintenance and education of the ward, shall be deposited in the treasury.

Note: The deposit of money in a private bank in the name of the District Judge or other Government Officer as guardian of a ward's estate, is prohibited.

(18) (i) In cases in which the District Judge thinks that a complete audit of the account of any of the estates in his charge is necessary he may entertain special clerks or a Local Auditor. The clerks or Auditor shall be paid from the estate concerned: each estate being required to contribute in proportion to its gross income. Where there is an Official Receiver and he is not the guardian he may be appointed to audit accounts, and in the case of big landed estates he may be asked to go to the spot and check the account by personal inquiry. The remuneration of the Official Receiver will be fixed by the State Government on a reference made to it direct by the District Judge as soon as he has disposed of the Receiver's report. Such detailed audit should not

ordinarily be necessary where the annual income is not over Rs.5,000/-, and in such cases it will ordinarily be sufficient for the Court to make a rough estimate of income and expenditure and to limit its supervision to enforcing the deposit of the annual surplus by the guardian. If necessary, the Court may, where funds of an estate permit, appoint some local pleader to check accounts and report and in case of large estates, a commission may be issued to an executive officer or pleader to make local enquiries and report. Too detailed accounts from the guardian should not be exacted.

(ii) The Court shall certify that it has scrutinized the accounts or has had them audited, as the case may be, and shall record such remarks as may be necessary thereon. The Court shall thereafter, when duly satisfied with the accounts, countersign the same.

(19) Without prejudice and in addition to foregoing rules, an application of a foreigner to be appointed guardian of the person of an Indian child with leave to remove the child out of India to his own country for the purpose of adopting it in accordance with the law of his country, should not be entertained directly by the Court. Such application should be sponsored by a Social or Child Welfare Agency recognized or licensed by the Government of the Country, in which the foreigner is resident. The application should be accompanied by home study report of the foreigner by such agency containing information to show whether he is fit and suitable person and has the capacity to parent a child coming from a different racial and cultural milieu. The sponsoring foreign agency must also certify that the foreigner seeking to adopt a child is permitted to do so

according to the law of his country. In case the foreigner is not in a position to come to India, the application must be further accompanied by a power of attorney in favour of an officer of the Social or Child Welfare Agency in India which is to process the application.

(20) Such an application should be processed in the Court only by a Social or Child Welfare Agency licensed or recognized by the Government of India or the Government of the State in which it is operating. Such agency shall annex a child study report giving all relevant information in regard to the child to assist the Court in coming to a decision whether it will be for the welfare of the child to be given in adoption to the foreigner wishing to adopt it.

(21). Except where the child is an orphan, destitute or abandoned child whose biological parents are not known, in all other cases the agency processing such an application should take from the biological parents a document of surrender duly signed by the biological parents and attested by at least to respectable persons. The biological parents should not have surrendered the child before its birth or within a period of three months from the date of birth.

(22) No notice under section 11 of the Act shall be issued to the biological parents of the child, so that they shall not have any opportunity of knowing who are the adoptive parents taking the child in adoption. Such notice shall not also be published in a news paper. Notice under section 11 ibid shall however be given to Indian Council of Child Welfare or Indian Council for Social Welfare or any of its branches for scrutiny of the application and making its representation to the Court.

(23) The proceedings on such application should be held by the Court in camera and as soon as an order is made, the entire proceedings, including the papers and documents should be sealed. The entire proceeding should be completed by the Court expeditiously and as far as possible within a period of two months from the date of filing of such application.

(24) It is desirable that the child given in inter-country adoption should be below the age of 3 years on the date of application. In case of any child above the age of 3 years, the wishes of the child should be ascertained by the Court.

(25) The order on such application should include a condition that the foreigner, whose application is allowed, shall submit to the Court as also to the Social or Child Welfare Agency processing his application, progress reports of the child along with a recent photograph quarterly during the first two years and half yearly for the next three years.

(26) The order appointing a foreigner as guardian shall also carry, attached to it, a photograph of the child duly counter-signed by an officer of the Court.

(27) Copy of the order shall be sent by the Court to the 'Ministry of Social Welfare, Government of India as also to the Ministry of Social Welfare of the Government of the State in which it is situate".

FORM 'A'

IN THE COURT OF-------------------------------COURT FEES---------

In the matter of the guardianship of-------------, son of-----------------

Caste------------------, resident of-----------------minor-----------------

(a)	(b)	(c)	(d)
The name, sex, religion, date of	Where the minor is a female, whether	The nature, situation and	The name and residence of the

birth and ordinary residence of the minor	she is married, and if so, the name, and age of her husband	approximate value of the property, if any, of the minor (For details are schedule on reverse)	person having the custody or possession of the person or property of the minor.
(e)	(f)	(g)	(h)
What near relation the minor has, and where they reside.	Whether a guardian of the person or property, or both, of the minor has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such an appointment.	Whether an application has at any time been made to the court or to any other court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what court and with what result.	Whether the application is for the appointment or declaration of a guardian of the person or the minor or of his property or both.
(i)	(j)	(k)	(l)
Where the application is to appoint a guardian, the qualification of the proposed guardian.	Where the application is to declare a person to be a guardian the grounds on which the person claims.	The causes which have led to the making of the application.	Such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

Signature of Petitioner or of a Person duly authorized by him in this behalf.

The above particulars are true to the knowledge of the person making them, except as to matter stated on information and belief, and as to those

matters he believes them to be true.

I, the guardian proposed in the above application, do hereby declare that I am willing to act as such.

....

Signature of the person verifying.

Attested by (1)........
(2)........

Signature of the proposed guardian.

Schedule to Form A

Detail of property belonging to ward.	Value	Name of persons in present possession of the property mentioned in column (1)
(1) --------------------		(1)--------------------
(2)--------------------		(2)--------------------
(3)--------------------		(3)--------------------
etc.		etc.

Verified and signed by me.

Signature of applicant.

FORM 'B'

Notice under section 11 of Act VIII of 1890.

Civil Suit No.____________of 20___

In the Court of____
At ____

In the matter of application of___________ caste_____________ inhabitant of_______Tahsil______District_______for the (1)_______ of a guardian to the (2) ________of_________son of___________Caste_____ a minor aged______years inhabitant of_______Tahsil_____District________To (3) ____________________.

The petitioner above named having applied to be (4)__________________the guardian of the (2)______of the aforesaid minor, the___ day of______20__ , has been fixed for the hearing of the application and notice is hereby given that if you desire/anybody desires to oppose that application of the petitioner aforesaid you/he should enter appearance in this Court in person or by a duly authorized Pleader of the Court, duly instructed, and able to answer all material question relating to the application, or he shall be accompanied by some person able to answer all such questions, and you are/he is hereby required to take notice that in default of your/his appearance on the day mentioned above the application will be heard and determined in your/his absence.

Given under my hand and the seal of the Court this______day of____20 __ .

(Seal) **Judge.**

(1) Appointment or declaration as the case may be.
(2) State whether to the person or the property of the minor, or to both.
(3) Name of person, father's name and place of residence in case of notice under clause (a) of section 11 "the public" in the case of general notice under clause (b).
(4) Appointed or declared.

FORM 'C'

Order of appointment under section 7, Guardians and Wards Act, 1890.

In the Court of the ________________Judge____________________
At ____

Miscellaneous Judicial Case No.________of 20___

Whereas this Court has, under the provisions of section 7 of Act No.VIII of 1890, been pleased to appoint/declare you to be guardian of the property/person/persons and property of ______during the period of his minority, to wait, till the _____day of the month of____20__ , subject to the provisions contained in the Act and particularly those provisions contained in Sections 32, 39 and 40 of the Act aforesaid; you are hereby authorized to take charge of the property of the minor in trust, to collect, and pay all just debts, claims and liabilities due to or by the estate of

minor, to institute or defend suits connected with that estate and generally to do and perform all acts which may be necessary for the due discharge of the trust vested in you, provided always, that you shall not mortgage, or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of your ward, or lease any part of that property for a term exceeding five years, or for any term exceeding more than one year beyond the date on which your ward will cease to be minor, without the express sanction of this Court previously obtained; and that you will keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness.

Given under my hand and the seal of the Court, this day of_____20 .

(Seal) **Judge.**

Form 'D'
Form of Bond under section 34 of Act VIII of 1890.

Know all men by these presents that I (a).......(b) of.......of.........am held and firmly bound to (c) ....the District Judge or his assigns, in the sum of Rs...... to be paid to the said (d)......or to his successors in this office, and we (e).......son of ......of........and (f) ....son of.......of ....are jointly and severally held and firmly bound to the said (g)..........or his assigns in the sum of Rs........to be paid to the said (h).........or his assigns or to his successors in office of their assigns, for the payment of which said sum of Rs.......to be faithfully and truly made. I the above bounden (i)........bind myself and heirs, executors, administrators and representatives, and for the payment of the said, sum of Rs.......we the above bounden (j) ....and (k)........bind ourselves, and each of us jointly and severally, and one and each of our heirs, executors and administrators, and representatives firmly by these presents signed by ourselves and sealed with our respective seals this.......day of......20____.

Whereas by an order of the Court of the District Judge of......made on the ......day of......under section 7 of the Guardians and Wards Act (VIII of 1890) the above named (l).......has, subject to his entering into a bond in Rs.......with

(2).....sureties in the same sum (or sum of Rs.......as the case may be) been appointed guardian of the property, moveable and immovable (3).....minor, son of......and, whereas the said (4).........has agreed to enter into the above written bond and the said (5)........and (6)........have agreed to enter into the above written bond as sureties for the said (7)...............:

Now the condition of the above written bond is such that if the said (8)..........do and shall justify and truly account whenever called upon to do so, for what he may receive in respect of the property of the said (9).........and do and shall carefully observe, perform and keep all orders and directions of the said court of the District Judge of............touching or concerning the estate and effects of the said minor and his property and touching and concerning all such moneys and estate as he the said (10).........shall receive as such guardian as aforesaid and in all things conduct himself properly, then the above written bond or obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

Signature and sealed by the above
named ....(Seal)

(11)..(Seal)

in the presence of ....(Seal)

(a) Name of guardian.

(b) Son or daughter as the case may be.

(c) Name of District Judge.

(d) Name of District Judge.

(e) and (f) Name of sureties.

(g) Name of District Judge.

(h) Name of District Judge.

(i) Name of guardian.

(j) and (k) name of Sureties.

(1) Name of guardian.

(2) Number of sureties.

(3) Here state name of minor.

(4) Name of guardian.

(5) and (6) Names of Sureties.

(7) Name of guardian.

(8) Name of guardian.

(9) Name of minor.

(10) Name of guardian.

(11) Name of guardian and sureties.

FORM 'E' (I)

Statement under section 34 (b) showing particulars in regard to immovable and moveable property belonging to.........minor, taken over by..........appointed as guardian under order of the Court dated.......20 .

Immovable property

Serial No.	Land building or vacant site	Particulars	How occupied (a)	Approximate value (b)	Profit or rent relizable (c)	Period for which realizable (d)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Moveable property

Particulars

Household goods or other property	Supposed Value	Jewels, gold and silver	Value cash	In whose custody or with whom deposited.	Remarks
(8)	(9)	(10)	(11)	(12)	(13)

(a) Details should be given on the tenure on which land is held. The size of buildings and the materials of which they are built should be given.

(b) Here state whether cultivated through servants or relatives or let on rent or cultivated by tenants. If occupied by tenants the nature of the tenancy should be stated. In case of buildings state whether occupied by minor or family or let on rent or hire, etc.

(c) This will assist the court in determining the amount of security to be taken from the guardian.

Form 'E' (2)

District..........

Statement showing particulars of the debts due to, or by the estate of.....minor, for whose property and person........has been appointed or declared guardian by order of the Court dated.........20 .

Debts due to the estate of the minor			
Name, parentage and residence of debtor	Amount of Debt original by advanced	Date of original advance	Date by which whollyrepayable
(1)	(2)	(3)	(4)

Amount of interest or profit realizable	Date on which realizable	Date by which limitation expires	Proof in support of debt (a)
(5)	(6)	(7)	(8)

Debts due by the estate of the minor			
Name etc. of Creditor	Amount received originally	Date of incurring of this debt	Interest or profit payable
(9)	(10)	(11)	(12)

Date when interest or profits payable.	Date fixed for repayment of the debt.	Security given For debt.
(13)	(14)	(15)

(a) Whether registered or unregistered bond or deed or book account etc.

Form "F"

Particulars of Ward and of Guardian appointed under the Guardians and Wards Act and minutes of subsequent proceedings.

WARD

Name..

Father's name..

Caste..

Residence..

Sex..

Date of birth..

GUARDIAN

No. and year of case	Name, father's name and caste.	Residence	Date of appointment	Amount of security furnished	Date fixed for submission of accounts.
(1)	(2)	(3)	(4)	(5)	(6)

SUBSEQUENT PROCEEDINGS.

No. and year of case	Date of commencement	Abstract of proceedings	Date of final order
(1)	(2)	(3)	(4)

FORM "G"

Register of Estates of Wards under the District Judge.

No.	Name of Ward	Name of guardian	Name or brief description of estate with value	Date on which the estate came under the control of the District Judge	Date on which the estate passed out of the hands of the District Judge	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

RULES UNDER SUB-SECTION (1)(a) AND (i) OF SECTION 50

1. With the annual statements of civil business for the previous year which are required to be submitted by the 15th February each year the District Judges shall submit to the High Court a report of the working of the Guardians and Wards Act,1890, specially on the management of ward's estates.

2. When it appears to the Court at the time of passing an order of appointment or declaration of a guardian, or at the annual inspection of the ward or otherwise, that orders are required as to the education of the ward, the Court shall pass such orders as appear to suit the case, regard being had to the present position and future prospects of the ward's family and to the intellectual capabilities of the ward himself.

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(J) RULES UNDER THE BANKING REGULATIONS ACT, 1949

368. (1) **Application relating to Banking Company within the State of Chhattisgarh**

An application under Part III or Part III-A of the Banking Regulation Act, 1949 (hereinafter in this Part (J) of this Chapter referred to as 'the Act'), in respect of a Banking Company having its registered office, or in the case of Company incorporated outside India, its principal place of business, within the State of Chhattisgarh shall be filed in the Office of the Registrar (Judicial).

(2) **General Headings**

An application under Part III or Part III-A of the Act shall be instituted in the matter of the Act and in the matter of the Banking Company and, where necessary in the matter of the Act under which the Banking Company has been ordered to be wound up.

(3) **Presentation and hearing of petitions under Part III or Part III-A of the Act**

An application under Part III or Part III-A of the Act shall be made by petition and shall be signed and verified in the same manner as a plaint. The petition shall be presented to the Registrar (Judicial) who shall process the matter and if found defect free, place the matter before the Judge taking company winding up matters or to such other Judge as the Chief Justice may direct. The Judge may reject the application summarily or pass such orders and give such directions as he may deem proper, including directions for notice of the petition being given to such person or persons as may seem to him likely to be affected by the proceedings.

(4) **Notice of petition**

Where notice is directed to be given to any party, it shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after the service of the notice, unless the Judge otherwise directs.

(5) **General duties and powers of the Special Officer**

Without prejudice to the generality of the powers of the Court under Section 37 (3) of the Act;--

(i) A Special Officer appointed under Section 37 (3) of the Act shall furnish security in such amount as may be ordered by the Court.

(ii) He shall generally have all the powers and shall take all the steps necessary or expedient to protect the rights and interests of all the creditors and shareholders of the Banking Company and to conserve and ensure the proper disposition according to law of the assets of the Banking Company.

(iii) The Special Officer may be empowered to represent the Banking Company in Proceedings before any Court, Tribunal or Public Officer.

(iv) The Special Officer may apply to the Court for such directions as he may deem necessary.

(v) The Special Officer shall, where his duties so require, maintain proper accounts.

(vi) The Special Officer shall be paid such remuneration as may be determined by the Court. The said remuneration shall be paid, unless the Court otherwise directs, from the assets of the Banking Company.

(vii) The Special Officer shall continue to supervise the affairs of the Banking Company until he is removed from the Office, or the term of his appointment expires or until the Banking Company resumes business or until a Liquidator is duly appointed to wind-up the business of the Banking Company.

(6) **Inspection of the Report of the Reserve Bank of India**

No person, other than the parties to the proceedings and the Official Liquidator shall be entitled to inspection of any report made by the Reserve

Bank of India or be entitled to receive a copy thereof without an order of the Court.

(7) **Applications in winding up to be by petition**

Applications for the determination of all questions of priorities and all other questions whatsoever, whether of law or fact, which may relate to or arise in the course of the winding up of a Banking Company, shall be made by petition. The petition shall contain a statement of facts relied on and the nature of the relief sought for. The petition shall be signed and verified in the same manner as a plaint.

(8) **Notice of petition**

Petitions mentioned in the last preceding rule shall be presented to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct. The Judge shall direct notice of the petition to be given to the respondent or such person or persons as may seem to him likely to be affected by the proceedings. Such notice shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after service of the notice, unless the Judge otherwise directs.

(9) **Affidavit in answer**

An answer to the petition mentioned in sub-rule (7) shall be made by filing an affidavit and a copy thereof shall be furnished to the petitioner or his Advocate on record at least four clear days before the returnable date of the notice.

(10) **Directions at the hearing of the petition**

On the date fixed for the hearing of the petition, the Court may proceed to hear the petition or give such directions as it may think proper as to discovery and inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy determination of the petition.

(11) **Transfer of suits and proceedings to the High Court**

When the Official Liquidator submits to the Court a report under Section 45-C (2) of the Act, he shall apply to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, for directions as to the parties to whom notice may be given and the date and time for holding an inquiry whether or not the suits and proceedings mentioned in the report should be transferred to the High Court. The notice shall contain particulars of the suit or proceeding in which the party may be concerned and require him to appear and show cause why it should not be transferred to the High Court. The notice shall be served fourteen days before the date appointed for holding the inquiry.

(12) **Affidavit in reply**

Any party desiring to oppose the transfer of the suit or proceedings to the High Court shall file an affidavit and furnish a copy thereof to the Official Liquidator or his Advocate on record at least four days before the returnable date of the notice.

(13) **When proceedings not transferred, Court may request expedition of the same**

If any suit or proceeding pending in any Court is not transferred to the High Court under Section 45-C (3), the Judge for the time being dealing with the

proceedings for the winding up of the Banking Company or such other Judge as the Chief Justice may direct, may direct the Registrar (Judicial) to write a letter of request to the Court in which the suit or proceeding is pending, requesting that the suit or proceeding may be disposed of as expeditiously as possible.

(14) List of debtors

When the Official Liquidator files in the Court a list of debtors under Section 45-D (2) of the Act, he shall obtain appointment from the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or from such other Judge as the Chief Justice may direct, to settle the same and shall give notice in writing of such appointment to every person mentioned in such list. The notice shall contain such of the particulars mentioned in the list of debtors as are applicable to such person. In case any variation or addition to such list is made by the Official Liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four weeks before the date appointed to settle such list, variation or addition.

(15) Service of notice

Service of notice upon the debtors shall be effected by sending the notice through the post by a registered letter or if the Judge so directs by any other mode provided under the High Court Rules. The notice shall be addressed to the party to his last known address or place of residence and unless otherwise ordered by the Court such notice shall be deemed to be served at the time the

same ought to be delivered in due course of delivery by the post office and notwithstanding the same may be returned by the post office.

(16) Affidavit in reply

If the debtor desires to show cause against the inclusion of his name in the list of debtors, he shall file an affidavit and furnish a copy thereof to the Official Liquidator or his Advocate on record at least seven clear days before the day appointed for the settlement of the list.

(17) Settlement of the list of debtors

On the date fixed for settlement of the list of debtors, the Judge may settle the list or such part thereof as he may think proper. If the Judge is of the opinion that it is not immediately possible to adjudicate upon any particular debt mentioned in the list, he may give such directions as he may think as to discovery and inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy adjudication of the debt. The Judge may in a special case refer the Official Liquidator to a regular suit.

(18) Official Liquidator to report if he contests claims of depositors

If the Official Liquidator desires to contest a claim shown in the books of the company as due to a depositor on the ground that there is reason for doubting the correctness of any particular entry in the books, he shall make a report to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, stating his reason for doubting the correctness of such entry; and if, upon such report the Judge is satisfied that there is *prima facic* reason for

doubting the correctness of the entry, the Judge may cause notice to be given to the depositor concerned to come in and prove his claim.

(19) **Register of suits in winding up matters**

Suits in respect of claims made by or against any banking company in liquidation, including claims by or against any of its branches in India, which are filed in the High Court or transferred to it under the Act shall be entered in a separate list to be maintained by the office of the Registrar (Judicial) and shall be treated as expedited suits. If such suits have been filed before the date of the order for winding up, the Official Liquidator shall furnish to the Registrar (Judicial) a list of such suits.

(20) **Hearing of suits and matters**

All suits referred to in the preceding rule and all matters and proceedings connected with the suits shall be heard by the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or by such other Judge as the Chief Justice may direct.

(21) **Procedure in such suits**

Where the suit is filed as a summary suit, the procedure prescribed for summary suits shall be followed. In all other cases, the suit shall be filed as an ordinary suit and the procedure laid down for such suits shall be followed.

(22) **Application for inspection of records**

The Reserve Bank of India may apply to the Judge for the time being dealing with the proceedings for the winding up of a banking company or to such other Judge as the Chief Justice may direct, for permission to inspect the

records of the banking company or of the High Court in the matter of the banking company, and such permission may be granted by the Judge in his discretion.

(23) **Recovery of dues as arrears of land revenue**

When the Court grants leave under Section 45-T (3) of the Act for recovery of any amount found due to the company, the Official Liquidator may apply to the proper Revenue Authorities to recover the said amount as arrears of land revenue.

(24) **Supervision of the carrying out of compromise or arrangement**

Where an order under Section 391 of the Companies Act, 1956 (Act I of 1956) sanctioning a compromise or arrangement in respect of a Banking Company is passed, the Judge may direct the Official Liquidator or any other person to supervise the carrying out of the compromise or arrangement and to make a report to the Court in regard thereto.

(25) **These rules to be in addition to Companies (Court) Rules of the Supreme Court**

These rules shall be in addition to and not in derogation of Companies (Court) Rules, 1959, framed by the Supreme Court of India.

Civil Appeals

(26) **Appeal to the High Court to be heard by Division Bench**

(i) Subject to the provisions of Section 45-N (1) of the Act, an appeal shall lie from an order or decision of a Judge in a Civil proceeding under the Act to the High Court.

(ii) The appeal shall be heard by a Division Bench as directed by the Chief Justice.

(27) Period within which appeal should be filed

The appeal shall be filed within thirty days from the date of the decree or order appealed from.

(28) Appeals

Rules relating to appeals contained in the High Court Rules shall, with any necessary modifications, apply to appeals under Section 45-N (1) of the Act.

Criminal Complaints

(29) Presentation of complaints and issue of process

Proceedings under Section 45-J of the Act shall commence with a complaint being presented by the Official Liquidator to such Judge as the Chief Justice may direct. On presentation of the complaint the Judge may direct a summons or a bailable or non-bailable warrant to be issued against the accused and may fix a date for the trial, or may, if he thinks fit, postpone the issue of process and direct an inquiry or investigation to be made by the Commissioner of Police or by such other person as he thinks fit, or may dismiss the complaint.

(30) Process in criminal cases

All complaints shall be filed in the office of the Registrar (Judicial) and all process shall issue from his office.

(31) What offences to be tried summarily

Offences punishable under the Companies Act, 1956 (Act I of 1956) or under the Banking Regulation Act, 1949 (Act X of 1949) with imprisonment for a

term which does not exceed two years or with fine which does not exceed one thousand rupees may be tried in a summary way.

An offence triable under Section 45-J (2) of the Act jointly with the offences mentioned in this rule may also be tried summarily, provided that it is punishable with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees.

(32) (i) **Procedure in summary trials**

Where an offence triable under Section 45-J (1) is tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of summons cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable. Where, however, the offence to be tried summarily under Section 45-J (1) is tried jointly with an offence under Section 45-J (2), the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall be applicable, provided that it shall not be necessary to adjourn the case under Section 256 (1) of the Code of Criminal Procedure before requiring the accused to enter upon his defence or inquiring of him whether he wishes to further cross-examine any witness whose evidence has been taken.

(ii) **Procedure in non-summary trials**

Where the offences triable under Section 45-J are not tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of warrant cases, shall, so far as it is not inconsistent with the provisions of the Act, be applicable.

(33) **Bail**

The Court may at any time grant bail to the accused on such terms as it thinks proper.

(34) **Accused person to be competent witness**

Any person against whom a complaint is filed by the Official Liquidator under the Act shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged along with him at the same trial:

Provided that—

(i) he shall not be called or examined as a witness except with his consent;

(ii) his failure to give evidence shall not be made the subject of any comment by the prosecution nor give rise to any presumption against himself or any person charged along with him at the same trial;

(iii) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—

(a) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

(b) he has personally or by his Advocate asked questions of any witness for the prosecution with a view to establish his own good character or has given evidence of his good character or the nature or conduct of the defence is such as to involve

imputations on character of the prosecutor or of any witness for the prosecution, or

(c) he has given evidence against any other person charged with the same offence.

(35) Compounding of offences

All offences triable under Part III-A of the Act may be compounded with the leave of the Court.

Criminal Appeals

(36) (i) Appeal against conviction

Any person convicted on a trial held by the Court in the exercise of its jurisdiction under Section 45-J of the Act may appeal to the High Court—

(a) against the conviction on any ground of appeal which involves a question of law only,

(b) with the leave of the Appellate Court or upon the certificate of the Judge who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a question of fact only or a mixed question of law and fact, or any other ground which appears to the Appellate Court to be a sufficient ground of appeal; and

(c) with the leave of the Appellate Court, against the sentence passed unless the sentence is one fixed by law.

(ii) Appeal against acquittal

The Official Liquidator may appeal to the High Court against any order of acquittal on any ground of appeal which involves a question of law only.

(37) Period of limitation

An appeal under the last preceding rule shall be filed within thirty days from the date of the order appealed from.

(38) Application to the trial Judge for a certificate

An application to the Judge who tried the case for a certificate that it is a fit case for appeal may be made either orally at the end of the trial or by petition giving the grounds on which such certificate is sought and showing that the period of limitation for the appeal has not expired.

(39) Memorandum of Appeal

The memorandum of appeal shall be made giving brief facts and the grounds of objection numbered consecutively. and the grounds upon which the leave. if any, of the Appellate Court is sought. It shall also show that the appeal is within time, and shall be accompanied by a certified copy of the judgment and the sentence or order of the Court, and also of the certificate of the Judge who tried the case that it is a fit case for appeal, when such certificate has been given.

(40) Procedure on presentation of appeal

On presentation of an appeal, the date of such presentation shall be marked thereon, and if it is within time it shall be accepted and entered in the register of appeals to be kept for the purpose. When an appeal appears to the Registrar (Judicial) to be beyond time, the same may be registered only when an application for condonation of delay has been submitted, and such application shall be placed before the Court for orders.

(41) **Admission of appeals**

Applications referred to in the preceding rule, together with the memorandum of appeal in question and appeals which have been accepted by the Registrar (Judicial) being within time, shall be placed for admission before a Division Bench.

(42) **Applications for bail in appeals**

Applications for bail shall ordinarily be made to the Appellate Court at the time of admission.

(43) **Applications for notes of evidence**

Upon admission of an appeal, the appellant shall apply with due diligence for a certified copy of the notes of evidence and of the requisite documentary exhibits, and shall pay the usual charges, unless the Registrar (Judicial) in his discretion thinks fit to dispense with such payment in whole or in part.

(44) **Paper books to be prepared by appellant and to be typed or cyclostyled**

The appeal paper books shall be prepared by the appellant within six weeks of the admission of the appeal unless otherwise directed by the Court. Provisions regarding preparation of paper book provided in the High Court Rules shall be applicable for this Rule.

(45) **Contents of Paper Book**

The appeal paper book shall consist of two parts and shall contain the following documents arranged in the following order:-

Part I

(1) Complaint,

(2) Charge or charges against the accused in the trial Court,

(3) Notes of evidence including statement of the accused,

(4) Judgment including sentence or order,

(5) Certificate of the Judge who tried the case, if any,

(6) Order of the Appellate Court granting leave, if any,

(7) Memorandum of appeal,

(8) Order admitting the appeal,

(9) Such other papers as may be deemed necessary by the Registrar (Judicial).

Part II

Exhibits

(46) Procedure in default of filing of paper books

Where the appellant, after admission of an appeal, does not diligently prosecute the appeal and does not file copies of the appeal paper book as required, the appeal shall be placed before the Appellate Court for dismissal. The Appellate Court may dismiss the appeal or pass such order as it may think fit.

Miscellaneous

(47) Section 5 Limitation Act applicable

The provisions of Section 5 of the Limitation Act, 1963 shall apply to appeals Civil or Criminal under the Act.

(48) Code of Civil Procedure and Code of Criminal Procedure to apply

The provisions of the Code of Civil Procedure and the provisions of the Code of Criminal Procedure, unless inconsistent with the rules contained in this chapter shall, with any necessary modifications, apply to the civil or criminal proceedings and appeals under the rules in this chapter, as the case may be. In case of inconsistency between the provisions of the Code of Civil Procedure and the rules of the Court referred to herein the said rules of the Court shall prevail.

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(K) RULES UNDER THE INCOME TAX ACT, 1961

369. References, appeals and applications under the Income Tax Act, 1961 (hereinafter in this Part (K) of this Chapter referred to as the 'Act'), shall be posted before such Bench of two Judges as the Chief Justice may specify by general or special order and it shall be registered as Income Tax Reference or Income Tax Appeal, as the case may be.

370. The statement of the case by the Tribunal under sub-section (1) of Section 256 of the Act shall be accompanied by, as annexures thereto, copies of;--

(1) the assessment order;

(2) the appellate order;

(3) the order of the Tribunal under Section 254(1):

(4) the application of the assessee or of the Commissioner, as the case may be, requiring the Tribunal to state a case to the High Court under sub-section (1) of Section 256; and

(5) any other relevant paper or papers which the Tribunal may consider relevant for the disposal of the application.

371. The statement of the case shall be in the form of numbered paragraphs setting out all the relevant facts and proceedings in their chronological order, the contentions of the parties in relation to the question or questions referred, the finding of fact and law of the Appellate Tribunal thereon and the question or questions of law arising there from and referred. It must not contain any discussion on the questions not referred.

372. The Appellate Tribunal, when submitting a statement of the case to the Court, shall forthwith give notice thereon to the parties at whose instance the reference has been made.

373. Applications under sub-section (2) of Section 256 of the Act shall be accompanied by, as annexures thereto, copies of -

(1) the assessment order,

(2) the order of the Appellate Authority;

(3) the order of the Appellate Tribunal passed in the case under Section 254(1);

(4) the application of assessee or of the Commissioner, as the case may be, requiring the Tribunal to state a case to the High Court under sub-section (1) of Section 256;

(5) the order of the Tribunal refusing to state a case and make a reference under sub-section (1) of Section 256;

(6) any other paper or document which the applicant considers necessary for the disposal of the application: and

(7) where the application is filed by an assessee, a certificate in original from the Appellate Tribunal to the effect that the assessee has not withdrawn his application for reference under sub-section (3) of Section 256 of the Act before the said Tribunal.

374. After the application under sub-section (2) of section 256 of the Act is admitted and after the receipt of reference under sub-section (1) of Section 256 notice will be served on the parties giving information regarding the preparation of paper books.

375. The paper book in the case of reference under sub-section (1) of Section 256 shall contain the papers mentioned in this part of Rule and all other relevant papers.

376. The paper book in case of application under sub-section (2) of Section 256 shall contain the papers mentioned in Rule 373 and also the following papers:-

(1) the application of the assessee or the Commissioner, as the case may be, to the High Court under sub-section (2) of Section 256;

(2) the order of the High Court requiring the Tribunal to state a case;

(3) the statement of the case by the Tribunal under sub-section (2) of Section 256.

377. The cost of preparation of paper book shall be deposited by the party seeking the reference within the time fixed by the Court, which will be treated as cost of reference.

378. After delivery of Judgment a copy thereof shall be sent under the seal of the Court and the signature of the Registrar (Judicial) to the Appellate Tribunal, as required by sub-section (1) of Section 260 of the Act.

379. Subject to the provisions of Section 260 A of the Income Tax Act, 1961

(1) An Appeal shall lie to the High Court from every order passed in appeal by the Appellate Tribunal if the High Court is satisfied that the case involves a substantial question of law.

(2) An Appeal under this sub-section shall be filed within 120 days from the date on which the order appealed against is communicated to the Appellant.

(3) An Appeal under Section 260-A of the Income Tax Act, precisely stating therein the substantial questions of law involved, shall be filed in triplicate against the decision of the Tribunal. The appellant shall annex to such Memorandum of Appeal, assessment order, Memorandum of Appeal to C.I.T. (Appeals), decision of C.I.T. (Appeals), Memorandum of Appeal to the Income Tax Appellate Tribunal as also the impugned decision of the Tribunal (As regards the

Note of appearance and address for service is concerned, High Court of Chhattisgarh Rules, 2007 shall apply to such Memorandum of Appeal).

(4) The Memorandum of Appeal shall be accompanied by a requisite court fee as prescribed under the Court Fee Act, 1870 for filing appeals under Section 100 of Code of Civil Procedure.

(5) Any appeal under this section, shall precisely state the substantial question of law involved in the appeal.

(6) Where the High Court is satisfied that a substantial question of law is involved in the case, it shall formulate the question.

(7) An appeal so filed shall be heard on the question so formulated and the Respondent shall, at the hearing of the appeal be allowed to argue it, that the case does not involve such a question:

Provided that nothing in this sub-rule shall be deemed to take away or abridge the power of the court to hear, for reasons to be recorded, the appeal on any other substantial question of law. not formulated by it, if it is satisfied that the case involves such question.

(8) All memorandum of Appeal as provided in this Rule shall be presented to the Additional Registrar (Judicial) who will accept and take on file the memorandum of appeal if sub-rule (3) has been complied with and it appears to him to have been presented within time prescribed by law of limitation.

(9) If the memorandum of appeal is rejected by the Additional Registrar (Judicial), he shall endorse thereon the date of its presentation and

rejection and shall, if requested by the appellant, place it before the High Court for orders.

(10) Application for the acceptance of a memorandum of appeal rejected by the Additional Registrar (Judicial) shall be made to the High Court at the earliest.

(11) The High Court on hearing such application shall accept or reject the memorandum of appeal with or without notice to the other side. If accepted, it shall be accepted as on the date of its presentation to the Additional Registrar (Judicial).

(12) The Appellant shall apply and take out and serve notice of the appeal on the Respondent within 15 days from the date of the order directing notice to the issue on the Respondent, unless otherwise ordered. On his failing to do so, the Additional Registrar (Judicial) may set down appeal on the board for dismissal.

(13) The Appellant shall on the acceptance of his memorandum of appeal apply to the Additional Registrar (Judicial) for a copy of the notes of evidence and other necessary documents and shall prepare the appeal paper book without delay.

(14) The Appellant shall prepare and lodge in the office of the Additional Registrar (Judicial) within fifteen days from the service of the notice of appeal, an index of the documents to be included in the appeal paper book and shall apply to the Additional Registrar (Judicial) to appoint a time to settle the index. Notice of time so appointed shall be given by the appellant to the respondent or his Advocate on record.

(15) The Additional Registrar (Judicial) shall settle the index and shall decide how many copies of the appeal paper book shall be prepared by the appellant.

(16) If a party is not satisfied with the index as settled by the Additional Registrar (Judicial) he may apply to the Judge in Chambers.

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(L) RULES UNDER THE ESTATE DUTY ACT, 1953, WEALTH TAX ACT, 1957, CUSTOMS ACT, 1962 AND CENTRAL EXCISE ACT, 1944

380. The Rules of Part (K) of this Chapter regulating the procedure for the conduct and disposal of appeals / references / applications under the Income Tax Act, 1961 shall, so far as may be, apply *mutatis mutandis* to the proceedings, as the case may be, under the Estate Duty Act, 1953 (Act XXXIV of 1953), the Wealth Tax Act, 1957 (Act XXVII of 1957), the Customs Act, 1962 and the Central Excise Act, 1944, with such modifications and adaptations as the Chief Justice may prescribe from time to time.

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(M) RULES UNDER SECTION 41 OF THE SPECIAL MARRIAGE ACT, 1954

381. (1) **Short title and commencement:** -

(i) These rules, made under this Part (M) of this Chapter of the Rules of Court, may be called the Special Marriage Rules, 2007.

(ii) They shall come into force from the date of their publication in the Chhattisgarh Gazette.

(2) **Definition:** In this rule unless there is anything repugnant in the subject or context 'Act' means the Special Marriage Act, 1954 (No.XLIII of 1954).

(3) **Application of other Act and Rules:** - The provisions of the Divorce Act, 1869, as regards forms and procedure, in so far as such forms and procedure may be applicable mutatis mutandis and the rules made thereunder with necessary changes and adaptations and the general rules of Court relating to registration, contents and presentation or filing of plaints and written statements, in so far as they are not inconsistent with the Act or with these rules shall apply to all proceedings under the Act.

(4) **Registration of petitions:** - All original petitions under Chapter V, VI or VII of the Act shall be registered as suits of Class-III in the register of Civil Suits.

(5) **Contents of petitions:** -

(A) A petition under Chapter V or Chapter VI of the Act shall, in addition to any particulars required by law, state: -

(i) the place and date of marriage;

(ii) the name, status and domicile of the wife before the marriage;

(iii) the status of the husband and his domicile at the time of the marriage and at the time the petition is presented, and his occupation and the place or places of residence of the parties at the time of institution of suit;

(iv) the principal permanent address where the parties have cohabited including the address where they last resided together;

(v) whether there is living issue of the marriage, and if so, the names and date of birth or ages of such issues;

(vi) whether there have been any, and if so, what previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, the place of such proceedings and the result of such proceedings;

(vii) the grounds on which the petitioner claims that the court to which the petition is presented has jurisdiction to entertain the petition.

(B) A petition for restitution of conjugal rights shall, in addition to the particulars mentioned in sub-rule (5) (A), state –

(i) the date from which the respondent has withdrawn from the society of the petitioner;

(ii) the age of the respondent;

(iii) the person or persons with whom the respondent is residing at the time of the institution of the suit;

(iv) the attempts, if any, made, before the institution of the suit, by the petitioner for resumption of normal relations.

(C) A petition for judicial separation or divorce shall, in addition to the particulars mentioned in sub-rule (5) (A), state –

(i) the specific grounds on which judicial separation or divorce is claimed;

(ii) the claim for damages, if any;

(iii) the absence of collusion between the petitioner and the other party to the marriage.

(D) A petition for divorce by mutual consent shall, in addition to the particulars mentioned in sub-rule (5) (A), state –

(i) the place or places where and the period or periods during which the parties have lived together;

(ii) the period during which the parties have been living separately;

(iii) the reasons for not being able to live together.

(E) A petition for declaration of nullity of a marriage shall, in addition to the particulars mentioned in sub-rules (5) (A) and (5) (C), as far as applicable, state the facts which make the marriage null and void.

(F) A petition for the annulment of a marriage shall, in addition to the particulars mentioned in sub-rules (5) (A) and (5) (C), as far as applicable, state the ground or grounds on which annulment of the marriage is sought.

(6) **Impleading of co-respondent:-** A petition for judicial separation or divorce on the grounds of adultery shall implead the alleged adulterer as a co-respondent, unless any of the following reasons is given for not so impleading: -

(i) that the respondent is leading the life of a prostitute and that the petitioner knows of no person with whom the adultery has been committed;

(ii) that the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it;

(iii) that the alleged adulterer is dead.

(7) **Intervener: -**

(i) Any person, not already a party to the proceedings may, by an application supported by an affidavit, seek the permission of the Court to intervene and show cause why a decree for divorce, declaration of nullity of marriage or annulment of marriage should not be passed.

(ii) If the Court allows such an application, the intervener shall be made a party to the proceedings and shall, if the intervention is not *bonafide*, be liable for costs.

(8) **Damages:** - The Court may award to the petitioner such damages against a co-respondent who has been found guilty of adultery, as the court deems proper.

(9) **Limitation:** - The provisions of Section 5 of the Limitation Act, 1963, shall apply to applications and appeals under the Act.

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(N) RULES UNDER SECTION 82 OF THE ARBITRATION AND CONCILIATION ACT, 1996

382. In exercise of the powers conferred by Section 82 of the Arbitration & Conciliation Act, 1996 (26 of 1996), the High Court of Chhattisgarh makes the following Rules, under this Part (N) of Chapter XVIII of the Rules of the Court, as to the proceedings before the Courts under the Act, namely:-

(1) These rules, made under Rule 382 of the Rules of the Court, may be called the Chhattisgarh Arbitration Rules, 2007.

(2) They shall come into force from the date notified by the Chief Justice.

(3) In this Rule "Act" means the Arbitration and Conciliation Act, 1996. Other expressions not defined herein shall carry the same meaning as they do under Section 2 of the Act.

(4) (i) Every application under Section 9, Section 14, Section 17, Section 27, Section 34, Section 39, and Section 43 of the Act shall be made in writing duly signed and verified in the manner prescribed by Order VI Rules 14 and 15 of the Code of Civil Procedure, 1908 and if the Court so directs, shall be supported by an affidavit. It shall be divided into paragraphs numbered consecutively and shall contain the name, description and place of residence of the parties. It shall contain a statement in concise form-----

(a) of the material facts constituting cause of action;

(b) of facts showing that the Court to which the application is presented has jurisdiction;

(c) relief asked for; and

(d) names and addresses of the persons liable to be affected by the application:

Provided that where a party, by reason of absence or for any other reason, is unable to sign and verify the same, it may be signed and verified by any person duly authorized by him in this behalf and is proved to the satisfaction of the Court to be acquainted with the facts of the case.

(ii) An application for enforcement of an arbitral award under Section 36 or a foreign award under Section 47 or Section 56 shall be in writing signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with

the facts of the case, and shall contain in a tabular form the particulars prescribed in sub-rule (2) of Rule 11 of Order 21 of the Code of Civil Procedure, 1908.

(5) The Court Fees (in Court fee stamps) on the application/ Vakalatnama/Appeal made/preferred to the Court/Court of appeal under the Act shall be payable according to the Schedule below:-

SCHEDULE

I: APPLICATIONS

S.No. (1)	Nature of Application (2)	Amount of Court Fee (3)
i.	Application under Section 9	Rs.500.00
ii	Application under sub-section (1) of Section 17.	Rs.100.00
iii.	Application under Section 34	Rs.1000.00
iv.	Application under Sections 14, 27, 36, 39 and 43.	Rs.400.00
v.	Application under Sections 47 & 56.	Rs.2,000.00
vi.	Any other application	Rs.100.00
vii.	Vakalatnama	As prescribed under the Court Fees Act, 1870.

II: APPEALS

S. No. (1)	Nature of Appeal (2)	Amount of Court Fee (3)
i.	Appeal against an order on an application under Section 9	Rs.500.00
ii.	Appeal against order of the Arbitral Tribunal accepting the plea referred to in sub-section (2) or sub-section (3) of Section 16.	Rs.500.00
iii.	Appeal against an order on an application under Section 34	Rs.1000.00
iv.	Appeal against an order refusing to refer the parties to arbitration under Sections 45 and 54.	Rs.500.00
v.	Appeal against an order refusing to enforce a foreign award under Section 48 and sub-section (2) of Section 57.	Rs.2000.00

(6) Where the application made by the party is not in accordance with the provisions of these rules, the Court may reject the application.

(7) Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as an arbitration case and every appeal shall be registered as an arbitration appeal.

(8) The Court to which an application is presented shall direct notice thereof to be given to the opposite party and to such other persons as are likely to be affected by the proceedings requiring to show cause within a time to be specified in the notice why the relief sought in the application be not granted. The notice shall be accompanied by a copy of the application and documents filed by the applicant.

(9) (i) Save as otherwise expressly provided in the Act or these Rules the following provisions of the Code of Civil Procedure, 1908 (V of 1908) shall apply to the proceedings before a Court in so far as they may be applicable thereto, namely:-

(a) Sections 28, 31, 35, 35A, 35B, 107, 133, 135, 148A, 149, 151 and 152, and,

(b) Orders III, V, VI, IX, XIII, XIV, XVI to XIX, XXIV, and XLI.

(ii) (a) For the purpose of facilitating the application of the provisions referred to under sub-rule (9) (i) the Court may construe them with such alterations, not affecting the substance, as may be necessary or proper to adopt to the matter before it; and

(b) The Court may, for sufficient reasons, proceed otherwise than in accordance with the said provisions if it is satisfied that the interests of the parties shall not thereby be prejudiced.

(10) The process fees in relation to the proceedings before the Court shall be charged as per Chapter XX of the Chhattisgarh Civil Court Rules, 1961 as if the proceedings were the proceedings in suit.

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CHAPTER-XIX

RULES RELATED TO ELIGIBILITY OF AND FACILITY TO LAW JOURNALS AND MEDIA

A: FACILITIES TO BE GIVEN TO THE APPROVED LAW JOURNALS

383. The issue of copies to representatives of approved Law Journals shall be governed by the following provisions, namely :--

(1) An approved list of Law Journals entitled to receive copies of judgments marked A.F.R. (approved for reporting) under this rule shall be maintained under the orders of the Chief Justice.

(2) No Law Journal shall be entered in this list unless it has given an undertaking that it will apply for a copy of every judgment delivered by the Court which is marked A.F.R.:

Provided that a Law Journal publishing cases only of a particular branch or branches of Law (such as Journals publishing Income tax and Sales tax cases) may also be entered in the approved list if it gives an undertaking that it will apply for a copy of every judgment delivered by the Court, which is marked A.F.R., in cases relating to the branch or branches of Law which are published in the journal.

(3) No Law Journal on the approved list shall be entitled to receive more than one copy of such judgment under this Rule.

(4) As soon as a judgment marked A.F.R. is received in the Disposal Section or the Criminal Department, as the case may be, an assistant there shall enter it in the prescribed register to be called the Register of Judgments marked A.F.R., the entries being made in chronological order, and shall

send such judgment immediately to the Section Officer of the Copying Department for the preparation of as many copies as there are law journals on the approved list.

(5) Two registers in the prescribed form to be called 'Register of Copies of Judgments marked A.F.R.' and 'Register of Applications for copies of judgments marked A.F.R.' shall be maintained by the Section Officer of the Copying Department with respect to such copies.

(6) Copies prepared under this Rule shall contain the following additional information, namely –

(i) the names of advocates appearing in the case;

(ii) the coram and the name(s) of Judge(s) delivering the judgment of the Court; and

(iii) full designation of the lower Court along with the date of its judgment of order.

Such additional information shall be sent to the Section Officer of the Copying Department by the Disposal Section or the Criminal Department, as the case may be, along with the judgment.

(7) Copies prepared under this Rule shall be given priority over all ordinary copies and shall be prepared as quickly as possible.

(8) As soon as copies are ready they shall be delivered to the representatives of the journals on the approved list on their submitting a duly stamped application and on payment of Rs.2/- (in Court fee stamps affixed on the application) per copy of every such judgment or order.

(9) If the representative of any law journal on the approved list does not

apply for copy of any judgment marked A.F.R. within three weeks from the date on which it is so marked the name of such journal may be removed from the approved list.

(10) The 'Register of Copies of Judgments marked A.F.R.' shall be open to inspection by the representative of any law journal on the approved list.

I. Register of Judgments marked A.F.R.

Sl. No.	Description Of the cases	Date of receipt of judgment in Disposal Section/ Criminal Department	Number of page in the judgment	Date of sending judgment to the Section Officer, Copying Department	Signature of Section Officer, C.D. with the date of receipt of judgment	Date of receipt of judgment from C.D.	Remarks
1	2	3	4	5	6.	7	8

II. Register of Copies of Judgments marked A.F.R.

Sl. No.	Description of the cases	Date of receipt of judgment in C.D./ Disposal Section/ Criminal Department	Date and time when judgment received by C.D.	Signature of Comparer	No. of Pages	Date and time when handed over to Section Officer, C.D.	Signature of Section Officer, C.D.	Remarks
1	2	3	4	5	6	7	8	9

III. Register of applications for copies of Judgments marked A.F.R.

Sl. No.	Date of application and value of stamp, if any	Name of applicant, Law Journal & Representative	Description of case	Signature of Section Officer, C.D.	Date when copy delivered to	Signature of recipient, applicant	Remarks
1	2	3	4	5	6	7	8

B: FACILITIES TO BE GIVEN TO THE PRESS REPORTERS

384. (1) The accredited and approved representatives of approved newspapers who have been granted accreditation and approval under these Rules will be allowed seats in Court, if they so desire, for the purpose of reporting proceedings.

(2) Such representatives of newspapers can obtain copies only of such Court documents as can be obtained by strangers after filing regular application under the Rules and on payment of the prescribed fee.

(3) Such press representatives will be given the following facilities for inspection of judgments only (not of records).

(i) They may inspect judgments in the Inspection Section of the Registry upon a regular application for inspection in accordance with these Rules and on payment of the prescribed fee. Such applications will, however, in variably be dealt with by the office immediately, though only the ordinary fee of Rs.5/- will be charged upon an ordinary application. Such applications and inspection may be allowed at any time between 10.30 A.M. to 4.30 P.M., to be made by the person named in the order for inspection.

(ii) Such press representatives will be permitted to peruse the judgments after delivery in open Court with the permission and in presence of the Judge.

(iii) No press representative will, in any circumstances, be allowed private access of Ministerial Officers of the Court, nor will he allowed perusal of any judgment until it has been revised and signed in the ordinary course, except by the special permission of the Judge who delivered it.

(4) Accredited and approved representatives of the approved newspapers will have the responsibility of publishing true and correct news relating to the High Court.

For reporting on a matter related to the High Court and its orders and judgments, due care shall be taken by the duly accredited approved representatives and the Court reserves the right to withdraw the facility from the representatives of any newspaper or law journal in which inaccurate, or misleading, or scandalous reports are found to appear.

(5) Only such journalist shall be treated as duly accredited and approved representative, whose names have been sent by the newspaper to the High Court on year to year basis.

(6) The duly accredited representative of an approved Newspaper/ Electronic Media shall not interact with a lawyer seeking comments on a case pending before the High Court. He shall not seek comments or obtain photographs from a lawyer to be published/ telecast in connection with cases in which he had been engaged or is concerned with, as the same is not permitted under the Bar Council of India Rules.

C: RULES FOR ELIGIBILITY FOR ACCREDITATION TO A JOURANLIST OR REPRESENTATIVE OF NEWSPAPER

385. (1) An applicant must have a Law degree recognized by the Bar Council of India under the Advocates Act, 1961.

(2) He should ordinarily have five years' Court reporting experience in a daily newspaper, national news agency or media organization like A.I.R. and Doordarshan of which at least three years must be at any High Court:

Provided, however, that out of the said period of three years, two years at least should, immediately prior to the application for accreditation, be continuous.

(3) He has regularly reported the proceedings of the Supreme Court or any High Court for at least six months on temporary accreditation granted to him and continues to represent a daily newspaper of not less than 40,000 circulation certified by the Registrar of Newspapers, the Audit Bureau of Circulation (ABC) or the Director of State Information Bureau, a national agency or media organization like A.I.R. and Doordarshan.

(4) The Chief Justice, for special reasons, may refer to the Accreditation Committee the case of any deserving candidate for consideration of according accreditation in relaxation of the rules and guidelines and on such reference the Accreditation Committee may advice the Chief Justice suitably.

(5) On being granted regular accreditation on the application, the legal correspondent will be issued an identity card which will be valid for one year and which will have to be renewed annually.

(6) In case, an accredited legal correspondent is transferred or otherwise ceases to represent the newspaper, news agency or other media organization for which he was granted accreditation, he shall, within two weeks of such transfer or cessation, return the identity card issued to him by the Registry.

(7) **Temporary Accreditation:**

An applicant for temporary accreditation will be eligible for consideration on his fulfilling the following conditions:-

(i) He is a working journalist desiring to report regularly the High Court proceedings and furnishes a letter, from his newspaper,

news agency or other media organization concerned, to that effect.

(ii) He possesses a Law degree recognized by the Bar Council of India under the Advocates Act, 1961.

(iii) The application must be accompanied by an attested copy of the Law degree and a letter of request/recommendation from the Editor or Publisher of the concerned Newspaper.

(iv) The application must be supported by clippings showing the Court reportage for the requisite number of years and a letter from the sponsoring Editor certifying the above mentioned experience of reportage.

(v) An applicant for temporary accreditation should ordinarily have at least three years of Court reporting experience.

Provided, however, that out of the said period of three years one year at least should, immediately prior to the application for accreditation, be continuous.

(8) All facilities including supply of copy of the judgment/order will be confined only to the accredited legal correspondents. Each media organization will be entitled to only one copy of the judgment/order through its regularly accredited correspondent.

(9) An accredited correspondent, regular or temporary, shall while in Court precincts be in a formal dress, in a manner befitting the décor of the Court and displaying prominently his accreditation card.

(10) If an accredited correspondent misuses the accreditation facility, the Accreditation Committee may consider the withdrawal of his accreditation.

(11) For the purpose of accreditation an Accreditation Committee shall be constituted under the orders of the Chief Justice. The Committee shall consist of the following members:

(i) A sitting Judge of the High Court.

(ii) The Advocate General

(iii) The Chairman, State Bar Council

(iv) Two accredited correspondents of any print/electronic media.

(v) The Registrar General shall be the Member Secretary of the Committee.

(12) **Temporary Reporting Facility:**

The Registrar in his discretion may grant temporary reporting facility to a working journalist for a day/short duration or for a specific case on his fulfilling the following criteria:

He must submit a formal letter from the Editor making a specific request along with his PIB Accreditation card or for being considered for the grant of such temporary reporting facility.

(13) That whenever a press representative who has been accorded accreditation leaves the Press/Agency which he is representing and joints another Press/Agency, he may not be extended the privileges of an accredited press representative unless he seeks fresh accreditation by making appropriate application in accordance with the norms.

CHAPTER-XX

MISCELLANEOUS

386. **Steps to be taken in the Registry**

Where any step is required to be taken under these Rules or any order of the Court in connection with any case, proceeding or other matter before the Court, such step shall, unless the context otherwise requires, be taken in the Registry.

387. **Practice Directions**

The Chief Justice may, form time to time, issue such directions, orders, instructions etc., as he may deem expedient for implementation of rules including practice/procedure for effective functioning of the cause/working of the Court.

388. **Repeal:** The High Court of Chhattisgarh Rules, 2005 are hereby repealed.

*** *** ***

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2007.

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(H.S. Markam)
REGISTRAR GENERAL